

5 Things You Should Know About Disability Discrimination in Employment

- 1 The New Jersey Law Against Discrimination (“LAD”) prohibits disability discrimination and disability-based harassment in employment.** An employer cannot discriminate against you based on an actual or perceived disability during hiring, employment, and when deciding layoffs. Coworkers, supervisors, and customers cannot discriminate against or harass you because of your or a family member’s actual or perceived disability.
- 2 Harassment based on disability is illegal under the LAD.** Disability-based harassment can include hostile, disrespectful, or bullying comments, offensive gestures, or the use of derogatory slurs. Employers must take steps to stop and correct disability-based harassment from co-workers and customers if they know or should have known you were being harassed.
- 3 Your employer cannot refuse to hire you, fire you, pay you less, or reduce benefits based on an actual or perceived disability.** An employer cannot treat you differently based on an actual or perceived disability if you can perform the essential functions of your job with or without a reasonable accommodation. This means you have the right to be treated the same and receive the same type of job assignments, training, promotion, and other benefits as other employees with the same or similar job position.
- 4 Employers are prohibited from requiring medical examinations before making an offer of employment.** Employers can only require a medical examination after an offer is made and only if all people hired for the same job have to undergo the exam. Employers cannot revoke a job offer if a medical exam reveals you have a disability that does not prevent you from performing your job.
- 5 Employers are required to make reasonable accommodations for your disability if the employer knew or should have known about your disability and the accommodation will not cause an undue hardship on the business.** Accommodations may include making work areas accessible and usable for people with disabilities, modifying work schedules, changing job locations, providing time off for treatment, and providing or changing equipment needed to perform the job. Accommodations may not be based on outdated beliefs or assumptions about a disability.

To find out more or to file a complaint, go to NJCivilRights.gov or call 1.833.NJDCR4U. The Division on Civil Rights (DCR) enforces the LAD, which protects all people from discrimination in NJ regardless of immigration status. To learn more, click [here](#).

The LAD protects you against retaliation. No one can retaliate against you for reporting possible LAD violations; filing a discrimination complaint internally, with DCR, or in court; or exercising any other rights under the LAD.

Available in other languages on the [Resources section](#) of DCR’s website.

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NJ Office of the Attorney General
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