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Lawsuit Challenges UPS under the Americans with Disabilities Act for its Continued Failure to Provide an Interpreter for a Deaf Employee

Philadelphia, Pa. – A complaint filed Monday alleges that UPS has illegally denied deaf employee Michael MacDonald reasonable accommodations for equal access to the workplace. The complaint alleges that UPS, a \$58 billion company, denied Mr. MacDonald the accommodations of an American Sign Language (ASL) interpreter on numerous occasions for over a year.

Mr. MacDonald has worked as a pre-loader at the UPS Philadelphia International Airport facility since September 2014. Like many deaf individuals, Mr. MacDonald's primary language is ASL, and he does not fluently read and write English. Although federal law requires UPS provide an ASL interpreter, UPS has repeatedly failed to provide one, including twice when it erroneously terminated him. UPS also did not provide any accessible communications to explain that the termination was a mistake. Instead, Michael was sent home from work with no information, and did not know if he would get paid or if he would ever go back to work. UPS has also failed to provide interpreters during company held meetings to provide information to employees.

“UPS has already been sued twice over this. I'm not the only deaf person at UPS who faces discrimination. The court needs to make UPS stop this illegal discrimination,” Mr. MacDonald said through an ASL interpreter.

This is not the first time UPS has faced lawsuits for discrimination against deaf employees. In 2003 there was a national class action requiring UPS to give deaf employees interpreters and other communication services. In 2006, UPS refused to give a deaf employee an interpreter for meetings and brought out a dictionary when the employee said she did not read English. The court ruled that this was illegal discrimination.

This complaint asks the court to order UPS to promptly provide reasonable accommodations to Mr. MacDonald, including ASL interpretation; to develop and implement effective anti-discrimination policies and procedures to ensure all deaf employees and applicants receive access to ASL interpretation; and, to conduct mandatory training for all supervisors and Human Resources staff at the Philadelphia International Airport UPS facility regarding the provision of reasonable accommodations.

“The Americans with Disabilities Act requires employers to provide reasonable accommodations to otherwise qualified individuals with disabilities so that they can ‘enjoy equal employment opportunities and participate fully in the workplace.’ Mike is one of many deaf people who can do the job, but are excluded from the workplace because employers fail to provide interpreters and other reasonable accommodations. Mike deserves an equal opportunity to communicate in the workplace,” Julie Foster, Public Interest Law Center Independence Foundation fellow, said.

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