
Labor and Employment Bulletin

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The Supreme Court Clarifies What It Means to Be “Disabled” under the ADA

In perhaps the most significant decision interpreting the Americans with Disabilities Act ("ADA") since its enactment in 1990, a unanimous Supreme Court in *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams* raised the bar for employees who seek to prove that they are disabled and entitled to reasonable accommodations from their employers. In *Toyota*, the Supreme Court held that in order to be “disabled” in performing manual tasks under the ADA, an employee with a physical impairment must be substantially limited or unable to perform “activities that are of central importance to most people’s daily lives.” Prior to *Toyota*, many courts had held that an employee was disabled under the ADA if he or she was substantially limited in his or her ability to perform certain job-related tasks, whether or not those tasks were of central importance to the employee’s daily life outside of work. By tightening the definition of “disability” under the ADA, the Supreme Court’s decision in *Toyota* reinforces its prior holding in [Sutton v. United Airlines, Inc.](#) that the ADA is to be strictly interpreted to create a demanding standard for employees seeking to prove that they are disabled.

Brief Snapshots of the ADA

The ADA has two significant features. First, it prohibits employers from discriminating against people with disabilities in any aspect of the employment relationship, from hiring to termination decisions. In this respect, the ADA is similar to other anti-discrimination laws, like Title VII and the Age Discrimination in Employment Act. However, unlike other anti-discrimination laws, the ADA has a second component that requires employers to take affirmative steps to provide reasonable accommodations to qualified people with disabilities. This second requirement may impose onerous responsibilities on employers and is a frequent catalyst for litigation. But in order to be entitled to reasonable accommodations, an employee must first establish that he or she is a qualified person with a disability within the meaning of the ADA.

In order to be a “qualified” person with a disability, an employee must establish that he or she can perform the essential functions of the job, either with or without a reasonable accommodation. The ADA defines “disability” as “a physical or mental impairment that substantially limits one or more major life activities.” A person can also be “disabled” under the ADA if he or she has a record of such an impairment (i.e., a history of cancer) or is regarded as having such an impairment (i.e., an employer believes inaccurately that an employee has cancer). “Major life activities” include such activities as walking, seeing, hearing, and performing manual tasks.

The issue presented in *Toyota* was whether an employee who was limited in her ability to perform certain manual tasks in the workplace was disabled under the ADA when she could perform a wide variety of manual tasks in the ordinary course of her daily life.

Summary of the Toyota Decision

The plaintiff in *Toyota* suffered from carpal tunnel syndrome. She argued that she was disabled under the ADA and, therefore, entitled to a reasonable accommodation because her condition prevented her from performing certain manual tasks required by her assembly line job. The Court of Appeals for the Sixth Circuit (“Sixth Circuit”) agreed with the plaintiff’s argument, concluding that she was disabled because (1) she was substantially limited in her ability to perform repetitive work with her arm extended at or above shoulder level for extended periods of time, and (2) this condition prevented her from performing the major life activity of performing manual tasks. In considering what it meant for the plaintiff to perform manual tasks, the Sixth Circuit limited its inquiry to job-related manual tasks, such as polishing cars on an assembly line, and specifically ignored other types of manual tasks, such as brushing teeth, tending to personal hygiene, and performing household chores.

The Supreme Court reversed the Sixth Circuit and held that an employee seeking a reasonable accommodation must make an individualized showing that he or she has an impairment with permanent or long-term impact that “prevents or severely restricts the individual from doing activities that are of central importance to most people’s daily lives.” The Supreme Court reasoned that while the plaintiff might be limited in her ability to perform repetitive tasks with her arm extended at shoulder level for extended periods of time, such repetitive tasks were typically not of central importance to most people’s existence. Accordingly, because the plaintiff’s carpal tunnel syndrome did not restrict her ability to perform manual tasks that were central to her life, but only manual tasks that were central to her job, she was not disabled within the meaning of the ADA. Because the plaintiff was not disabled, she was not entitled to reasonable accommodations from her employer for her carpal tunnel syndrome.

The *Toyota* decision also offers employers a few practical tips for analyzing whether or not employees are disabled under the ADA. First, the Court held that it is generally not sufficient for an employee seeking a reasonable accommodation to offer only a medical diagnosis of his or her condition. Because many impairments have widely varying symptoms and manifestations, an employee must present evidence of how the physical impairment restricts his or her ability to perform activities of central importance to the employee's life. Likewise, the employer must analyze each request for reasonable accommodation on an individualized, case by case basis.

The Court also reiterated that an employee seeking to establish a disability must show a substantial limitation on a major life activity. An incidental or minor limitation will not suffice. Finally, the Court held that an impairment had to be "permanent or long-term" in order to be a disability under the ADA.

Toyota's Impact on Massachusetts Law

Most employers doing business in Massachusetts are required to comply with the mandates of both the federal anti-discrimination laws, including the ADA, and the state anti-discrimination laws, such as [M.G.L. c. 151B](#), which prohibits discrimination on the basis of a variety of characteristics including "handicap." Courts in Massachusetts tend to interpret the state's anti-discrimination laws more liberally than analogous federal anti-discrimination laws. State courts may not, therefore, follow the reasoning of the *Toyota* decision in interpreting state law and may instead interpret "handicap" or "disability" broadly so as to bring many more employees under the state law's umbrella than would be protected by the ADA. Additionally,

the Massachusetts Commission Against Discrimination in recent years has been reluctant to adopt federal interpretations which it views as lessening protections for employees. Given the possible divergence of state law on the definition of “handicap” and federal law on the definition of “disability,” and the confusion inherent in managing disabilities and reasonable accommodations in the workplace, Massachusetts employers are advised to proceed cautiously and with the advice of employment counsel or human resource professionals when confronted with disability-related issues.

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Breakfast Briefings

The Hale and Dorr Labor and Employment Department will be holding Breakfast Briefings on the followings days next month at the following Hale and Dorr locations which will address issues arising from the recent *Toyota* decision and the impact it may have on employers:

Thursday, February 14, 2002

[Hale and Dorr LLP Waltham](#)

Bay Colony

1100 Winter Street

Waltham, MA

7:30 a.m. Breakfast

8:00 a.m. Presentation

Wednesday, February 27, 2002

Hale and Dorr LLP Washington

The Willard Office Building

1455 Pennsylvania Avenue N.W.

Washington D.C.

9:00 a.m. Breakfast

9:30 a.m. Presentation

Thursday, February 28, 2002

Hale and Dorr LLP New Jersey

650 College Road East

Princeton, NJ

8:30 a.m. Breakfast

9:00 a.m. Presentation

If you would like to attend one of the Breakfast Briefings at any of these locations, please email or call Louise Rothery at +1 617 526

5606, louise.rothery@haledorr.com and a reservation will be made. The

Breakfast Briefings are provided to the clients of Hale and Dorr LLP for informational purposes and at no cost to the attendees.