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RIGHTS OF PEOPLE WITH DISABILITIES

ISRAEL

SUMMARY

On January 1, 1999, the **Equal Rights for Persons with Disabilities Law of 1998** ("1998 Act") went into effect, expanding a prior general statutory framework which recognized disabled persons' basic rights to enjoy constitutional freedoms and privileges as citizens which, among other, assured barrier-free access to polling places. The amendment mandates that specific issues are addressed through supplementary regulations. To date, several such regulations have been promulgated, spanning from guarantee of minimum pay to preferential assignment of parking spaces at the place of employment. The new statute and implementing regulations create a framework of protection very similar to that afforded under the Americans with Disabilities Act and the Rehabilitation Act.

Scope of Coverage.

The 1998 Act coverage is all-inclusive and appears modeled after the ADA:

- Definition of disability
- Commission for Equal Rights of Persons with disabilities
- Advisory Committee
- Employment
 - hiring
 - reasonable accommodations in the work place
 - promotion
 - termination
 - employer programs of affirmative actions
 - principle of proper representation within the workforce
 - through diversity
 - quotas in public employment
- Public accommodations - services and entertainment
- Removal of barriers
 - Access to public transportation
 - Access to public buildings
 - Building code requirement for private and public sectors

Legislative Intent.

The 1998 Act and supplemental regulations are **civil rights legislation** with a primary purpose of protection of equality and human dignity of persons with disabilities through:

- Integration and enabling to participate actively in all areas of societal life;
- Prohibiting disparate treatment based on disability;
- Specifically allowing for affirmative corrective actions to remedy prior or present discrimination based on disability; and

- Advancing the basic principles through appropriate public policies.

Public Policy Implementation.

The 1998 Act establishes the **Commission for Equal Rights for Persons with Disabilities** and a special **Advisory Committee**. The commission and committee are tasked:

- To supervise implementation of general public policy and government regulations;
- To promote equality through prevention of discrimination; and
- To promote opportunities for the disabled to participate actively in society.

Enforcement and Remedies.

The Labor Courts have jurisdiction to hear complaints by a disabled person alleging of violation of the 1998 Act. The courts may grant:

- Injunctive relief;
- Compensatory damages; and
- Criminal penalties for violation of the prohibition of discrimination and retaliation.

Affirmative Defenses.

The following affirmative defenses are available:

- The grieved disparate treatment constitutes an affirmative action to correct prior or present discrimination;
- The requested accommodation is too costly or almost impossible = unreasonably burdensome;
- The disabled applicant /employee lacks the necessary qualifications for the desired position. (Similar to ADA)