

EEOC Sues FedEx Ground Package System, Inc., for Nationwide Disability Discrimination

Article By:

U.S. Equal Employment Opportunity Commission

Shipping Giant Repeatedly Failed to Provide Needed Accommodations to Deaf and Hard-of-Hearing Package Handlers and Applicants, Federal Agency Charges

BALTIMORE - Shipping giant FedEx Ground Package System, Inc., (FedEx Ground) violated federal law nationwide by discriminating against a large class of deaf and hard-of-hearing package handlers and job applicants for years, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it announced today.

The EEOC says that FedEx Ground failed to provide needed accommodations such as American Sign Language (ASL) interpretation and closed-captioned training videos during the mandatory initial tour of the facilities and new-hire orientation for deaf and hard-of-hearing applicants. The shipping company also failed to provide such accommodations during staff, performance, and safety meetings. Package handlers physically load and unload packages from delivery vehicles, place and reposition packages in FedEx Ground's conveyor systems, and scan, sort and route packages.

The EEOC charges that, in addition to failing to provide communications-based accommodations for mandatory meetings, FedEx Ground refused to provide needed equipment substitutions and modifications for deaf and hard-of-hearing package handlers, such as providing scanners that vibrate instead of beep and installing flashing safety lights on moving equipment.

These widespread failures to provide reasonable accommodations occurred despite FedEx Ground having longstanding knowledge that it receives applications from, and has employed, a significant number of deaf and hard-of-hearing people in the package handler position throughout the country, including at facilities in Florida, Georgia, Pennsylvania, Colorado, Kansas, Illinois, Maryland, California, Connecticut, Iowa, Michigan, Minnesota, Texas, Oregon, Utah, and West Virginia.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits employers from discriminating on the basis of disability. The ADA requires employers to provide reasonable accommodations for applicants and employees with a disability unless the employer can show that doing so would be an undue hardship.

The EEOC's lawsuit arose as a result of 19 charges filed throughout the country citing discrimination

against deaf and hard-of-hearing people by FedEx Ground. The agency consolidated these charges and conducted a nationwide systemic investigation of these violations. The EEOC filed its lawsuit in U.S. District Court for the District of Maryland (*EEOC v. FedEx Ground Package System, Inc.*, Civil Action No. 1:14-cv-03081-WMN), after first attempting to reach a pre-litigation settlement through its conciliation process.

EEOC Philadelphia District Director Spencer H. Lewis, Jr, said "FedEx Ground failed to engage in an interactive process with deaf and hard-of-hearing package handlers and applicants to address their needs and to provide them with reasonable accommodations. That's why we filed this lawsuit -- to remedy alleged pervasive violations of the ADA on a national level."

EEOC Regional Attorney Debra M. Lawrence added, "Common sense, let alone federal legal requirements, would dictate that FedEx Ground should have provided effective accommodations to enable people with hearing difficulties to obtain workplace information that is disseminated in meetings and in training sessions. EEOC contends that by failing to do so, FedEx Ground has marginalized disabled workers and hindered job performance. This is a 'lose/lose scenario.'"

EEOC Supervisory Trial Attorney Maria Luisa Morocco noted, "The law is clear: Employers have to provide reasonable accommodations to ensure that deaf and hard-of-hearing job applicants and employees are afforded equal employment opportunities - which includes the full benefits and privileges of employment, such as being informed of performance expectations and safety requirements."

Eliminating barriers in recruitment and hiring, especially class-based recruitment and hiring practices that discriminate against people with disabilities as well as other groups, is one of six national priorities identified by the EEOC's Strategic Enforcement Plan. Preventing workplace harassment through systemic litigation and investigation is another SEP national priority for the agency.

According to its website, FedEx Ground had revenue of \$11.6 billion in fiscal year 2014 and employed more than 65,000 people.

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