

Volvo Group North America To Pay \$70,000 To Settle EEOC Disability Discrimination Suit

Article By:

U.S. Equal Employment Opportunity Commission

Car Manufacturer Refused to Hire Laborer Because He Was a Recovering Drug Addict in Medically Supervised Treatment Program, Federal Agency Charged

Volvo Group North America, LLC, will pay \$70,000 and furnish significant equitable relief to settle a federal disability discrimination suit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the EEOC's suit, Volvo made a conditional job offer to a qualified applicant -- who was also a recovering drug addict enrolled in a supervised medication-assisted treatment program -- for a laborer position at its Hagerstown, Md., facility. During his post-offer physical examination, the applicant explained that he was taking medically prescribed suboxone. However, Volvo failed to conduct an individualized assessment to determine what effect, if any, the suboxone had on his ability to perform the job. When the applicant reported for his first day of work, Volvo informed him that it could not hire him because of his suboxone use, the EEOC said.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits discrimination based on disability. The EEOC filed suit (*EEOC v. Volvo Group North America, LLC*, Civil Action No. 1:17-cv-02889) in U.S. District Court for the District of Maryland, Northern Division, after first attempting to reach a pre-litigation settlement through its conciliation process.

In addition to the \$70,000 in monetary relief to the applicant, the three-year consent decree resolving the suit enjoins Volvo from violating the ADA in the future. Volvo will distribute to all employees at its Hagerstown facility an ADA policy explaining the right to a reasonable accommodation for a disability unless it would pose an undue hardship. Volvo will amend its policy on post-offer medical and drug evaluations to explain how it will assess whether an employee's or applicant's lawful use of prescription medication poses a direct threat as defined by the ADA, including providing a reasonable accommodation as required by the ADA. Volvo will also provide ADA training, including on how the law relates to drug screening and the use of lawfully prescribed medications. Volvo will report to the EEOC on how it handles any complaints of disability discrimination and post a notice regarding the settlement.

"Employers should make hiring decisions based on the qualifications of an applicant, not his disability

or participation in a medically supervised treatment program," said EEOC Philadelphia District Office Director Jamie R. Williamson.

EEOC Regional Attorney Debra M. Lawrence, added, "We appreciate that Volvo worked with the EEOC to resolve this case fairly, expeditiously and without incurring unnecessary litigation expenses. This settlement is designed to help ensure that all applicants and employees are protected from disability discrimination."

The EEOC's Baltimore Field Office is one of four offices in the Philadelphia District Office, which has jurisdiction over Pennsylvania, Maryland, Delaware, West Virginia and parts of New Jersey and Ohio. Attorneys in the Philadelphia District Office also prosecute discrimination cases in Washington, D.C. and parts of Virginia.

You can read the original article on the EEOC's website [here](#).

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