

BACKLASH Against the ADA

BACKLASH

Against the ADA

REINTERPRETING DISABILITY RIGHTS

Edited by Linda Hamilton Krieger

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To Vicki

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Linda Hamilton Krieger

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The initial backlash to the ADA consisted of courts strictly interpreting the definition of disability so that very few cases made it past the threshold coverage question. This Article first seeks to determine whether courts are following Congress's mandate in the ADAAA to broadly interpret the definition of disability, making it easier for an employee to get past the threshold question of whether the employee meets the statutory definition of disability. The most interesting result is that there appears to be a real backlash against the ADA when the employee is requesting an accommodation related to the structural norms of the workplace — the hours, shift, schedule, attendance, and leave policies. Courts are quite reluctant to require employers to modify these structural norms of their workplaces. Since last October, when Ronan Farrow's article detailing Harvey Weinstein's sexual abuses against actresses was published in *The New Yorker*, the #MeToo movement has ushered women to voice their own. Yet, like any movement, #MeToo has begun to receive backlash, from both conservatives and liberals alike from two recent events. Katie Roiphe, a journalist and feminist most notably known for her book *The Morning After*, where she argues women are partially to blame for instances of date rape on college campuses, was alleged to be writing a piece in *Harper's* that would out the founder of the Shitty Media Men list.