

Recent Case Illustrates How Types Of Associational Discrimination Claims Can Play Out In Litigation

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The Americans with Disabilities Act (ADA) protects applicants and employees from discrimination based on their relationship or association with an individual who has a disabling condition. Generally speaking, there are three types of associational discrimination claims:

- Expense discrimination: Employer fears that association with disabled person will be costly to the employer.
- Disability by association: A relationship with a disabled person means employee may also be disabled.
- Distraction: A relationship with a disabled person will prevent the employee from completing job responsibilities.

A recent case from the Sixth Circuit Court of Appeals illustrates how these claims can play out in litigation. In *Williams v. Union Underwear Company, Inc.*, the plaintiff alleged that his employer discharged him in violation of the ADA because it feared that his wife's disability would be too costly for the company. The plaintiff's "evidence" consisted of nothing more than one instance where he expressed a need for medical insurance in relation to his wife's impairment. The employer asserted that the plaintiff was terminated for poor performance. The Sixth Circuit ultimately held that this "evidence" was insufficient to support the plaintiff's associational discrimination claim. Why is this case important? It underscores how easy it is for a plaintiff to drag an employer into drawn out litigation. Where an employer has knowledge of a potential associational claim, it needs to be extra vigilant in documenting its legitimate, non-discriminatory business reason for the adverse employment action at issue.

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