

Advisory Opinion 9

The Committee considered a request for an advisory opinion as to whether it is appropriate for a CRC to contact employers regarding a particular client when the client is unaware of each instance of contact. The Committee voiced strong concern about such a practice and directed that communication be sent advising the individual to immediately cease from the activity as described. The Committee responded that contacting the employer in the manner described is a direct violation of the client's civil rights under the Americans with Disabilities Act (ADA), and could potentially be a significant legal problem, which is in turn a direct violation of Standard L.2.c of the Code. The Committee further explained that, under the ADA, clients have a right to expect that employers are not apprised of their disability during initial discussions, unless the client so chooses to share that information either directly or through another party. Only at the time that a conditional offer of employment is extended does the employer have the right to gather information that may divulge the disability. By offering the type of information in question to the employer, the CRC had, in effect, stated to the employer that the client has a disability without the client having consented to the release of such information. (Issued 11/02)

Related Standards: B.1.b, B.2.d, D.1.e & L.2.c

Related Scenario: B2