

EEOC Sues Toys “R” Us On Behalf of Deaf Job Applicant

1 min read

Mar 28, 2013

By: Peter J. Felsenfeld

The U.S. [Equal Employment Opportunity Commission](#) (“EEOC”) has sued retailer [Toys “R” Us](#) for failing to provide an interpreter to assist a deaf job applicant during an interview.

The case raises the interesting question of whether an employer must provide an interpreter for job seekers who are deaf. The EEOC claims that such a step is one of the reasonable accommodations for disabled workers required by the federal [Americans With Disabilities Act](#) (“ADA”).

The only exception is where the “employer can show it would be a significant difficulty or expense to do so,” said EEOC Pennsylvania District Director Spencer H. Lewis in a [press release](#). “Given the size and resources of Toys “R” Us, it is difficult to understand how it would have been an undue hardship for such a large retailer to provide an interpreter when asked to do so,” Lewis said.

According to the EEOC complaint, filed in a Maryland district court, Toys “R” Us invited the applicant to a group interview for a Team Member position in November of 2011. The applicant’s mother told the retailer that that her daughter was deaf and would require an interpreter.

A Toys “R” Us employee told the mother that the applicant would have to hire her own interpreter at her own expense, the complaint states. The mother eventually attended the interview and interpreted for her daughter, who did not get the job.

The ADA requires employers to provide reasonable accommodations to disabled workers. The EEOC complaint states that Toys “R” Us violated the ADA by (1) failing to provide an interpreter for the interview and (2) declining to hire the deaf applicant because of her disability.

Toys “R” Us declined to comment to the Baltimore Sun, citing the pending litigation.

We will follow the case and report on any significant developments. Meanwhile, please contact [Barger & Wolen](#) with any questions you may have about compliance with the ADA.

Hinshaw & Culbertson LLP is a U.S.-based law firm with offices nationwide. The firm's national reputation spans the insurance industry, the financial services sector, professional services, and other highly regulated industries. Hinshaw provides holistic legal solutions—from litigation and dispute resolution, and business advisory and transactional services, to regulatory compliance—for clients of all sizes. Visit www.hinshawlaw.com for more information and follow @Hinshaw on LinkedIn and X.

Topics

ADA