



Civil Rights REVIEW

12.07 Edition

“Injustice anywhere is a threat to justice everywhere. Whatever affects one directly, affects all indirectly.”
– Martin Luther King, Jr.

Commissioners
Stephen A. Glassman
Chairperson

Raquel Otero de Yiengst
Vice Chairperson

Daniel D. Yun
Secretary

Toni M. Gilhooley
Assistant Secretary

Commissioners
David A. Alexander
M. Joel Bolstein
Timothy Cuevas
Rev. Dr. James Earl Garmon, Sr.
J. Whyatt Mondesire
S. Kweilin Nassar
Daniel L. Woodall, Jr.

Homer C. Floyd
Executive Director

The Civil Rights REVIEW is designed to bring new issues, statistics, accomplishments and other key information to the reader as it relates to civil rights in Pennsylvania.

Key PHRC forms online

The first step in the Commission’s investigative process is called **Intake**. Individuals who believe they have been discriminated against may telephone, write or come to one of the Commission’s three regional offices to file a formal complaint where appropriate.

The regional offices – located in Pittsburgh, Harrisburg and Philadelphia – have the primary responsibility for receiving and investigating complaints of discrimination. The 27 questionnaires that the PHRC Intake staff use on a daily basis are posted on the Commission’s website. For each area of jurisdiction – employment, housing/commercial property, education and public accommodation – there are specific forms that need to be completed. The forms are in PDF format and only require the Adobe Reader software that is available for free on the Internet.

Any individual who wants to begin the process of filing a complaint should go to www.phrc.state.pa.us to get to the PA Human Relations Commission home page. From there, click on the yellow “Am I a Victim?” button and select Complaint forms.

Each form is numbered and defined to help identify the potential discrimination situation. From here, print out a copy of any and all forms that would be needed to complete a complaint and fill out the forms. The correct regional office may be determined by clicking on the lime green button entitled “Where to File” to obtain the proper mailing address.

Additionally, by selecting the magenta button for “Legal”, forms are also available for attorneys who are representing clients involved in case investigations before the Commission. These forms are also available to print and mail to the correct regional office.



www.phrc.state.pa.us
www.stopbias.org
www.accessdoctors.state.pa.us

It's our opinion...

Why We Should Ratify the UN Convention on the Rights of People With Disabilities

By *Stephen A. Glassman*
PHRC Chairperson

In 1974 the Pennsylvania legislature prohibited discrimination on the basis of handicap or disability, a full sixteen years before the Americans with Disabilities Act was passed by Congress. The Pennsylvania Human Relations Commission enforces these laws and has been a national leader in advocating for the rights of persons with disabilities.

Two years ago the PHRC established a "Disability Stakeholders Taskforce" which has been working to improve the quality of life for persons living with the challenges of mental and physical disabilities in the Commonwealth. While we have made significant progress in this area over the last three decades there are still tremendous hurdles to overcome before true equality is fully realized.

People living with disabilities come in all shapes and sizes, colors and races, ages and genders, religions and nationalities, sexual orientations and gender identities. Increased visibility and awareness will be required to better educate Pennsylvanians about the contributions, talents, experience and needs of individuals living with a wide variety of disabilities. Mobility challenges, deafness, hearing and visual impairment, brain trauma and cognitive limitations, mental disorders, limb loss and paralysis, and the range of issues affecting our returning veterans from Iraq and Afghanistan are all guiding our scientific research and technological advancement in addressing these issues.

The United Nations General Assembly adopted the Convention on the Rights of Persons with Disabilities on December 13, 2006. The Convention aims to ensure that persons with disabilities enjoy human rights on an equal basis with all others. This was the first time in history that civil society, led by disabled people, participated in drafting a human rights treaty designed to elaborate in detail the rights of persons with disabilities accompanied by a code of implementation.

The Convention marks a shift in thinking about disability from a medical issue to a human rights one emphasizing that societal barriers and prejudices are themselves disabling. It adopts a broad definition stating that persons with all types of disabilities ought to be able to enjoy all human rights. It clarifies how rights apply in the context of disability and how they should be adapted and reinforced for persons with disabilities to effectively exercise their rights.

The Convention covers 29 specific rights including life, health, work, personal mobility, marriage and family, and freedom from violence and abuse among others. It recognizes that people with disabilities enjoy legal capacity on an equal basis with others and prohibits discrimination on the basis of disability. Persons with disabilities must be able to live independently, participate in the community and access residential and community support services. Countries must also ensure access to an



Stephen A. Glassman

inclusive education system at all levels. On the fundamental issue of accessibility, the Treaty requires countries to eliminate obstacles and ensure that people with disabilities can access transportation, public facilities and services, and information technologies.

Countries and other entities that ratify the Convention commit themselves to develop policies and laws for securing human rights and to abolish laws and practices that foster discrimination. Since changes in attitudes are essential to improving the lives of people with disabilities, countries must combat stereotypes and prejudices and promote awareness of the capabilities of people with disabilities.

While 117 countries have signed the Convention, the current U.S. government has stated that it will not join. The Convention reflects many of the values of the American with Disabilities Act (ADA) and indeed, the ADA inspired some of its principles. Unlike the ADA, however, the Convention is a comprehensive human rights treaty that goes

It's our opinion...

Why We Should Ratify the UN Convention on the Rights of People With Disabilities

beyond anti-discrimination and requires governments to ensure that people with disabilities are granted equal rights under the law, and experience equal access to enjoy those rights.

Officially, the U.S. government has argued that the ADA offers all of the same protections as the Convention, and therefore is not needed here. Beneath the official explanation, however, is the U.S. refusal to hold itself accountable to international standards. This argument can have dire consequences for people with disabilities in other countries whose governments can argue that they should not be bound to a higher standard than the richest, most powerful country in the world. In addition, there would be an important symbolic meaning to the U.S. support of disability rights.

Groups in the U.S., however, have not been silent. As a leader

in the civil rights protections of people with disabilities, U.S. disability advocacy groups have begun promoting the Convention. Advocates around the country are working to develop a groundswell of support, writing letters to legislators and including Convention information on their websites. Several local governments and bodies have passed resolutions in support of the Convention, including the City Council and County of Santa Cruz, Santa Monica Community College District, Chicago City Council, Cambridge City Council (Massachusetts) and the City of Bloomington (Minnesota). Such efforts help raise awareness of disability rights, educate the U.S. public about the Convention and bolster efforts to pressure the U.S. to join and implement the Convention.



The Pennsylvania Human Relations Commission has unanimously passed a resolution urging the state of Pennsylvania and the United States government to adopt this treaty without any further delay. It is not only the right thing to do; it will enhance our credibility as a collaborative partner in the world of nations by holding us to the same standard as those who have already made this commitment to fairness and equality.

December Meeting Calendar

Centre County Advisory Council

December 12, 2007 at 7:30 p.m. at the State College Borough Municipal Building, South Allen Street, Room 242, State College, PA.

Montgomery County Advisory Council

December 13, 2007 at 10 a.m. at the Norristown Borough Hall, 235 E. Airy Street, Norristown, PA.

Inter-Agency Task Force on Civil Tension

December 13, 2007 at 10:30 a.m. at the PA Human Relations Commission Central Office, Keystone Conference Room, 2nd Floor, 301 Chestnut Street, Harrisburg.

MONTHLY COMMISSION MEETING

Monday, December 17, 2007 at 1 p.m. at the Philadelphia Marriott Downtown, 1201 Market Street, Philadelphia

York County Advisory Council

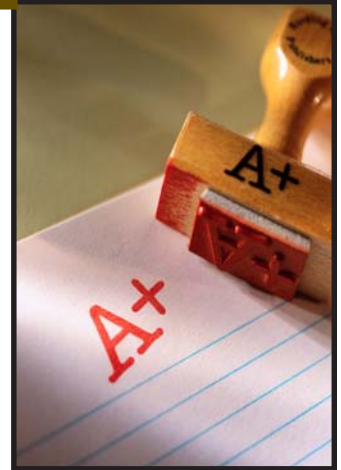
December 19, 2007 at 4:30 p.m. at the York City Human Relations Commission, 368 West Princess Street, York.

Please note: The Advisory Councils in Blair County, Johnstown, Monroe County and Northampton will not meet in December.



Making the Grade

Today's Lesson: Is that really a service dog...or someone's pet?



At first glance, you might not be able to tell. Your first reaction might be that the animal in question is a person's pet. Unfortunately, there are individuals who have very strong attachments to their pets and believe the pet should be able to accompany them at all times and may try to take advantage of the laws that permit service and support animals into public places. However, in most instances after watching a true service or support animal perform its duties, it becomes clear what function this animal provides.

A pet is NOT a service or support animal.

What is a service or support animal?

The federal law – the Americans with Disabilities Act (ADA) – defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. The state law – the Pennsylvania Human Relations Act (PHRA) – contains similar provisions.

Service animals perform a variety of functions and tasks that the individual with a disability cannot perform by him or her. Some of these tasks are opening doors, turning light switches on or off, picking up numerous objects, retrieving the telephone in an emergency situation, carrying medication or even helping to pull a wheelchair. "Seeing eye dogs" are often the most visible type of service animal for persons with vision impairments.

Hearing dogs – or signal dogs – learn to alert individuals who are deaf or hard of hearing of basic sounds such as a smoke alarm, a ringing telephone, a crying baby or a doorbell. The dog is trained to bring the individual to the noise.

Support animals generally lend comfort and emotional support to individuals. In addition to dogs, cats, birds and even fish have also been used to provide support to, for example, an individual with depression.

How can I tell that it really is a service or support animal....and not a pet?

In **most** situations, the service or support animal will be wearing a harness, leash or special collar. They may also be wearing a scarf or another sign that indicates that they are a service or support animal **OR** a service or support animal **IN TRAINING**.

Federal and Pennsylvania laws cover both users of service and support animals **AND** trainers and handlers of service and support animals.

Some of these animals may also be licensed or certified and have identification papers. The key here is that there is **no** federal or state requirement that a service or support animal have one or even all of these visual indicators or documents on hand to permit entry into your establishment.

If you are not certain that an animal is a service or support animal, you may ask the person who has the animal if it is a service or support animal

required because of a disability or if the animal is in training. You may not insist on proof of the animal's qualifications or what the person's need for the animal is. You should not ask questions like: "Why do you need that wheelchair?" "Are you blind?" "Why can't you pick up that package?"

Where isn't a service or support animal allowed to go?

Under the ADA, a circumstance in which a person with a disability might not be allowed to be accompanied by his/her service or support animal is when the animal poses a direct threat to the health or safety of others. A direct threat is defined as a significant risk to the health or safety of others that cannot be eliminated by changing policies or procedures. Examples of this include operating rooms, labor and delivery rooms or intensive care units in hospitals. A customer who is seated beside a table with a service or support animal and complains about a dog being present because she does not like dogs does not qualify as a direct threat.

What if the dog barks or growls at my staff or other customers or disrupts my business?

A service animal may be expelled from your place of business or facility when that animal's behavior poses a direct threat to the health or safety of others. If any service animal displays vicious or menacing

continued on page 5

Making the Grade

Today's Lesson: Is that really a service dog...or someone's pet?

continued from page 4

behavior towards other guests or customers, it may be expelled.

Please note that each situation must be responded to individually. For example, if you had an unpleasant, personal experience with a German shepherd, you cannot expel a German shepherd service animal because you assume it will react to you in the same manner. Or, as another example, if you operate a theater and a service animal continuously barks during a movie or play so that others are not able to hear, the animal may be excluded from being in the facility because of the disruption to the other paying customers.

Are these animals covered under current laws?

Yes. Both guide and support animals are covered under state and federal laws.

In Pennsylvania, the law that addresses service and support animals is the Pennsylvania Human Relations Act (PHRA). This law says that a person **WITH** a disability who uses a guide or support animal, **OR** if the user is a handler or trainer of guide or support animals **OR** if the person is known or has an association with an individual with a disability, each one of these situations are covered by state law or the PHRA. The federal law is the Americans with Disabilities Act (ADA), which requires businesses to allow people with disabilities to bring their service and support animals into business areas where customers are allowed to be.

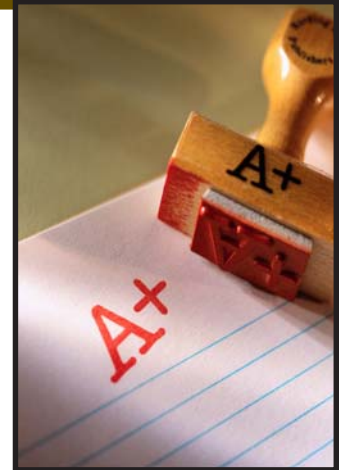
Disability is defined as a physical or mental impairment, which substantially limits one or more of the person's major life activities; **OR** has a record of an impairment; **OR** is regarded as having an impairment. *"Disability" does NOT include current, illegal use of, or addiction to, a controlled substance.*

It is very important to note that the PHRA protects the handlers and trainers of support animals as well as those who use the animals because they have a disability. Before a person with a disability can use the animal, it must be well trained. If the animal cannot go into a restaurant or a motel, or live in an apartment, it cannot be properly trained in the activities that it must perform and help a person with a disability live independently or perform other functions. By protecting the handlers and trainers, as well as the ultimate user, the PHRA ensures that there will be appropriately trained support animals for persons with disabilities to use.

There is the wrong way...and the right way

The Wrong Way

Mike owns the local pizza restaurant. A woman who has been his customer a few times before over the past several months starts bringing in a dog with her to eat. Mike knows she never had the dog before, and wonders why she needs it now. She doesn't look blind. One day after the woman is seated at a table and the dog is resting at her feet under the table, Mike



approaches the woman and says: "Why do you need a dog? What's wrong with you? You know there is a sign on the door of the restaurant that says 'no pets.'" The woman becomes visibly upset and leaves and never returns to the restaurant.

The Right Way

Mike owns the local pizza restaurant. A woman who has been his customer a few times before over the past several months starts bringing in a dog with her to eat. Mike knows she never had the dog before, and wonders why she needs it now. She doesn't look blind. One day after the woman is seated at a table and the dog is resting at her feet under the table, Mike approaches the woman and says: "Hi. It's nice to see you again. I see you have a new friend with you," as Mike looks at the dog. The woman responds to Mike, "This is Jenny, my support dog. If it wasn't for her, I wouldn't be able to get out of the house much. She has been a real lifesaver after the sudden death of my parents." Mike hands the woman a menu and says, "I'm really glad you and Jenny are here. We like repeat customers."

A final word of advice

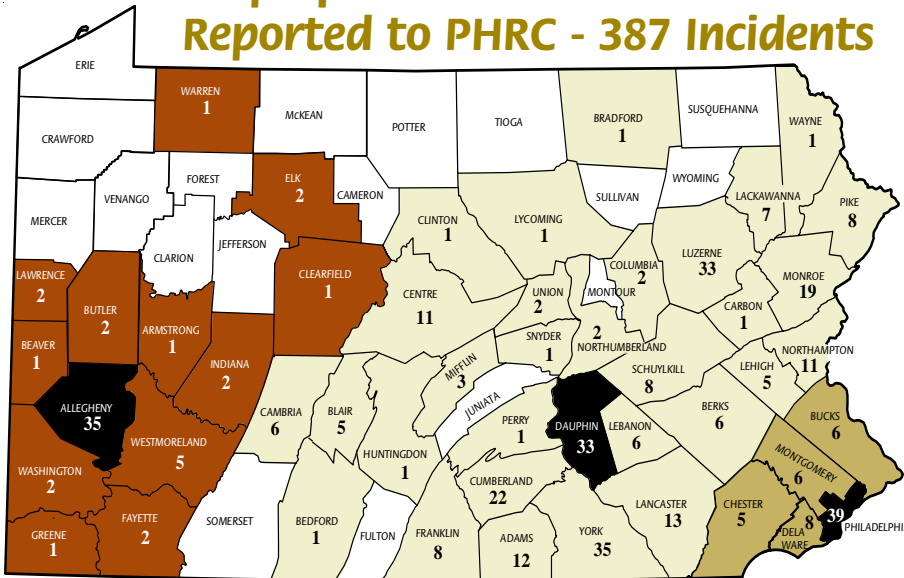
Service and support animals provide needed assistance that allows a person to become more independent, more secure and experience many opportunities they might not otherwise get to take advantage of.

Partnership with a service or support animal is not a lifestyle choice, it is a necessity.

Bias stats for 2006-07

An unfortunate sign of the times continues to be animosity directed towards people who are, or who appear to be, different from us. In Fiscal Year 2006-2007 (July 1 to June 30), the number of bias-related incidents continued at a disappointing pace.

Map of Bias-related Incidents Reported to PHRC - 387 Incidents



A “**bias-related incident**” is any incident in which an action taken by a person or group is perceived to be malicious toward another person or group based on bias or prejudice relating to such characteristics as actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender, age, or gender identity or expression **OR** any situation in which intergroup tensions exist based on such group characteristics.”

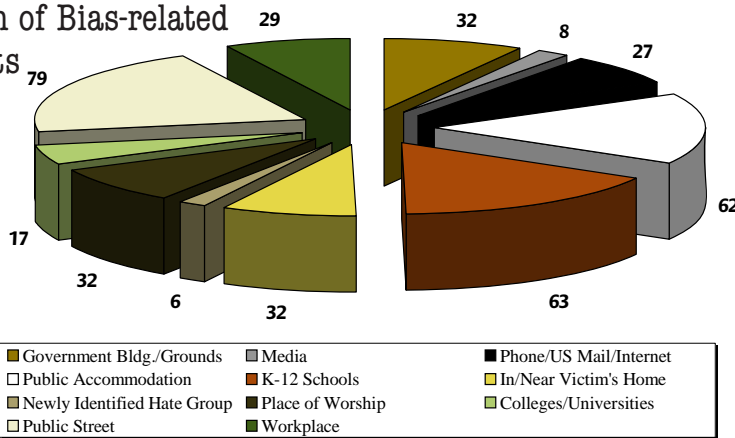
Bias-related incidents include but are not limited to actual or potential hate crimes; unlawful discrimination; organized hate group activities; public expressions of prejudice or bigotry; or intergroup conflict.

Commission staff use various sources to obtain incident data such as newspaper articles, direct telephone calls, faxes, mail and emails from concerned citizens, human relations agency staff, law enforcement and public officials, PA Inter-Agency Task Force on Civil Tension member agencies, and various advocacy organizations at local, state and national levels. Some reports are received via a form available at www.stopbias.org.

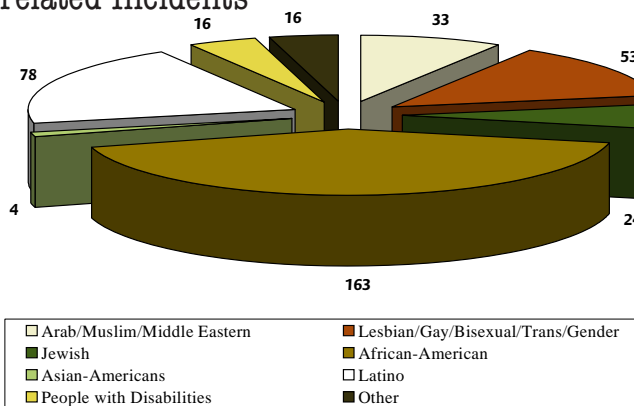
The bias-related incident data is not presented as a complete indicator of patterns of either the frequency or type of incidents occurring in Pennsylvania. In the Commission’s experience, only a small percentage of all bias-related incidents come to the attention of the PHRC as reports vary.

The categories represented in these pie charts are not mutually exclusive. Each incident is categorized by what appears to be its most significant and salient features.

Location of Bias-related Incidents



Characteristics of People Targeted in Bias-related Incidents



Identity of Alleged Offenders in Bias-related Incidents

