

**“KNOW YOUR RIGHTS”
Training on the Legal Rights and Responsibilities of
People with Alcohol and Drug Problems**

**Georgia Laws Regarding Discrimination
(June 2006)**

The Basics

Q1. Does Georgia have a State law, like the Federal laws discussed in the “**Know Your Rights**” brochure, that protects people from discrimination because they have a history of alcohol or drug problems, or are in treatment or in recovery from these problems?

A1. No. Though Georgia has some specific anti-discrimination laws for such areas as private and public employment, housing, and access to public facilities, there is no general state anti-discrimination statute. The laws also vary in their definition of disability.

Because there is no general anti-discrimination law, there is no state agency assigned to enforce all of the various anti-discrimination laws.

- The Georgia Commission on Equal Opportunity does enforce the –
 - Georgia Fair Employment Practices Act of 1978, which makes it unlawful for a state agency to discriminate against any individual on the basis of a disability, and
 - Georgia Fair Housing Law, which prohibits housing discrimination based on disability.
- Some cities and municipalities have also formed agencies to enforce local anti-discrimination laws
 - Atlanta enacted its own Human Relations Code to address discrimination more widely, and has formed a Human Relations Commission that investigates complaints of discrimination in public accommodation, private employment, and housing. But the Human Relations Code does not protect individuals with alcohol or drug problems. It only protects individuals with physical disabilities.

Q2. Are people with **alcohol or drug problems** considered individuals with a “disability” protected from discrimination under Georgia laws?

A2. Under two laws they are, but under other laws, they are not.

The law prohibiting employment discrimination by private employers does not protect individuals with alcohol or drug problems. The law prohibiting state agencies from engaging in employment discrimination, however, as well as the Georgia Fair Housing Act, do protect individuals with drug and alcohol addictions, though not current illegal drug users. (See the answer to Question 3 for more details.)

Q3. Do Georgia’s laws define “**disability**” the same way as the Federal non-discrimination laws?

A3. The two Georgia anti-discrimination statutes that protect individuals with alcohol and drug problems basically track the federal laws.

- The Georgia Fair Employment Law , which prohibits discrimination by the state agencies, defines “disability” as:
 - a physical or mental impairment that substantially limits one or more of a person's major life activities. (45-19-22) The law does not specifically exclude individuals with alcohol or drug addiction, and a representative of the agency that enforces this law (the Georgia Commission on Equal Opportunity), told the Legal Action Center that the agency applies the federal definition of disability.
- The Georgia Fair Housing Law defines disability as including:
 - a mental or physical impairment which substantially limits a major life activity, or a record of having such impairment, or being regarded as having such impairment. While “disability” does *not* include current drug addiction, it does include past drug addiction and past or current alcoholism. (8-3-201)
- The Georgia Equal Employment for Persons with Disabilities Code (GEEPDC), which prohibits employment discrimination by private employers, does not protect individuals with alcohol and drug problems. Under this law:
 - (a) “individual with disabilities” means persons with a physical or mental impairments that substantially limits one or more major life activities and who have a record of such impairment. (34-6A-2)
 - (b) “Physical or mental impairment” means any physiological disorder or loss effecting enumerated bodily systems, or mental retardation and specific learning disabilities. This does not include individuals with alcohol and drug problems. (34-6A-2)
- Applying the Georgia’s definitions in practice: As is the case with the Federal laws explained in the “**Know Your Rights**” brochure –
 - Georgia’s two laws that do extend to individuals with alcohol and drug problems do not protect current illegal drug users.
 - Whether a particular person has a “disability” within the meaning and coverage of Georgia’s laws is decided on an individualized, case-by-case basis.

Georgia’s Protections Against Discrimination

Q4. In what areas of life does Georgia have laws that protect individuals from discrimination because of their disability?

A4. While Georgia has anti-discrimination laws that extend to public employment, private employment and job training, housing, and public accommodations, most of these laws do not protect individuals with alcohol and drug problems. The only laws prohibiting discrimination on the basis of an alcohol and drug problem are as follows:

- **Georgia Fair Employment Law:**
 - protects individuals with a “disability” from employment discrimination by state agencies. As explained in the answer to Question 3, “disability” includes individuals with alcohol and drug problems.
 - The law’s anti-discrimination requirements are very similar to the Federal laws’ requirements, but there are no provisions addressing pre-employment inquiries
- **Georgia Fair Housing Law:**
 - prohibits discriminatory treatment in residential dwellings on the basis of a disability.
 - the Fair Housing Law does not generally apply to single-family dwellings rented or sold by the owner, or to buildings that contain less than four units if the owner lives in the building. (8-3-202)

Note the hand-out explaining how Federal and Georgia laws limit some individuals’ eligibility for public housing because of their past or current drug- or alcohol-related convictions (as well as other types of convictions).

Analyzing Discrimination Claims under Georgia Law

Because Georgia’s anti-discrimination laws generally do not protect people from discrimination based on a drug or alcohol problem, there are no reported court decisions applying Georgia’s anti-discrimination laws to individuals with alcohol or drug problems.

Remedies and Resources for Addressing Illegal Discrimination

Q6. What can I do if I think I have been discriminated against because of an alcohol or drug problem?

A6. Because Georgia law provides so few protections from discrimination on the basis of an alcohol or drug problem, you usually will need to use one of the remedies under the federal anti-discrimination laws listed at the end of the **Know Your Rights** brochure. But if you experienced discrimination in housing or in employment by a state agency in Georgia, you have these additional options:

- You may also file an **administrative complaint** –
 - for employment discrimination by a state agency in violation of the Georgia Fair Employment Law – you may file a complaint with the Georgia Commission on Equal Opportunity within 180 days of the alleged discrimination. Note that the Commission on Equal Opportunity is the only entity that can enforce this law. (45-19-41). If the Commission decides against you, you may appeal that decision in court (45-19-39), but you may not bring a lawsuit in court in the first instance to enforce the Georgia Fair Employment Law.
 - for housing discrimination in violation of the Georgia Fair Housing Law, you may file a complaint with the Georgia Commission on Equal Opportunity within one year of the discrimination. (8-3-208). See the hand-outs for details about how to file these complaints.
- You may also file a **lawsuit** in state court (or in federal court if you are also alleging that the discrimination violated federal law) –
 - for violations of the Georgia Fair Housing Law; the complaint must be filed within two years of the discrimination. (8-3-217)