

Differing standards create special problems for national organization. According to Colleen Watson, dpr, Big Brothers/Big Sisters of America, the differing standards undermine recruitment. "We would like to see a uniform standard so our affiliates can give a consistent message to all prospective volunteers." Currently, affiliates must explain to volunteers that they could be sued for acts not actionable across the state line. (Copy of State Liability Laws for Charitable Organizations & Volunteers \$15 from Non-profits' Risk Management & Insurance Institute, 1731 Connecticut Avenue, NW, Ste 300, Washington, DC 20009.)

One example involves a Chicago volunteer killed in a car crash while trying to help a young boy. The child was injured, and the driver's estate was sued for \$12 million. **Congressman John Porter** (Ill): "The volunteer lost his life while trying to help that child. How much more can society ask of its volunteers?" Tho Congress is reviewing laws, Porter warns public not to feel secure yet.

ITEMS OF INTEREST TO PRACTITIONERS

¶Doonesbury Recounts Classic Edward L. Bernays Campaign, tho reference is unfavorable since it concerns smoking. Cigarette-shaped character Butts is telling bedtime stories to his similarly-shaped nephews, recites Bernays' 1934 work for American Tobacco Co. in making "Lucky Strike green" popular. Women disliked the brand due to green package color, so ELB set out to make it a fashion choice. Company gave society ball \$25,000 to make it the Green Ball. Color Fashion Bureau was established with fashion editors & French designers to make green the season's color. Program succeeded so well ads were run during WWII, when color had to be discontinued because it contained scarce chemicals, saying "Lucky Strike green has gone to war." Incident is described in ELB's Biography Of An Idea. (If you missed it, copy from prr.)

¶More About Broadcast Monitoring Costs. Last week's Budgeteer issue included an item which drew reader query. To clarify -- print media clipping services charge \$199 a month and \$1.07 per clip. For broadcast, tag on an additional \$45 a month, and apply the \$1.07 to every 12 words used on the air. The latter part confused some readers -- did "12 printed words" refer to the number of times the client's name was mentioned? No, says Burelle's. It refers to the length of the broadcast segment which has to be reported.

¶"Fourth Hurdle" Makes Risk Management for Drug, Chemical & Other Items More Difficult. European Community last year added a new test for approving or banning substances or processes. In addition to usual safety, efficacy & manufacturing standards requirements, this one is a socio-economic criterion: what impact might be felt in an industry, a community or the economy? Animal Health Institute notes first target is biotechnology -- specifically production-enhancing BST (see prr 10/23/89). Europeans view this as "a political question in which scientific advice is important but not decisive." Intangible yardsticks make public relations problems.

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INDIVIDUAL RIGHTS & RESPECT MOVE AHEAD WITH LANDMARK LAW; AMERICANS WITH DISABILITIES ACT POSES ISSUES & OPPORTUNITIES THAT WILL REQUIRE PUBLIC RELATIONS TO BE LEAD PLAYER

Tact, mediation, expression of concern in tenterhook situations, even explaining the organization's position in emotionally distressing lawsuits -- this will be required of practitioners as new law takes effect. ADA slid easily thru House & Senate, promises to bring changes to the workplace & the marketplace.

In essence, ADA picks up on Civil Rights Act of '64 & Rehabilitation Act of '73 to remove barriers for full participation by groups that previously were at a disadvantage -- in this case, physically & mentally handicapped (tho using such terms is dangerous now). It extends to the private sector & to state/local gov't what '73 law mandated for federal gov't & for organizations getting federal funds.

SPECIFICS OF LAW 1) Allows those with disabilities the same workplace protection granted victims of racism by the Civil Rights Act: a) jobs back; b) payback for money lost; c) compensation for resulting harm, e.g. house lost as a result of missed mortgage payments. Those who opposed the bill fear it may be a Pandora's box of litigation for employers, especially small- to mid-size organizations -- primarily due to its vague language. Some big companies, such as Marriott & McDonald's, supported the bill.

2) Public places, e.g. stores & restaurants as well as transit systems, must accommodate the developmentally challenged. Telecommunications systems & local gov'ts are also covered.

IMPACT Of immediate importance to most practitioners is how law affects workplace conditions. Employers cannot refuse to hire a person because of a disability; and must make "reasonable accommodations" for those with disabilities. The ramps, wheelchair-height drinking fountains or phones, & other structural changes now commonplace in gov't offices or large public facilities will become pandemic.

Terry Hill, Nat'l Federation of Independent Businesses: "To prepare for this, I suggest organizations contact city, county, & state disabled offices and see what they recommend. We've been advising our members to stay on the good side of their disabled communities to avoid lawsuits." Others who can provide guidance are Easter Seal chapters & Independent Living Foundations.



Introduced last year by Sen. Thomas Harkin (Iowa), law covers those a) with physical or mental impairments limiting them in some major life activity, e.g. walking, seeing; b) with records of impairment, e.g. history of mental illness, cancer, etc; c) regarded as having an impairment, e.g. visible hearing aid, disfigured face etc.

Andy Washburn, ed ADA Update newsletter, says bill is purposely vague. "Congress made an intentional decision not to list every possible medical disability, but instead established a generic, functional definition encompassing the type of condition they wished to protect from discrimination based on stereotypes."

But ADA also protects business. "'Accommodation' cannot impose significant difficulty or expense on employers & takes into account the size & type of organization. Furthermore, organizations with 15 employees or under are exempt from the letter of the law." (For copy of Harkin's summary of ADA, contact pr.)

Washburn: "A lot of resistance comes from misinformation. Some people are concerned that ADA involves Affirmative Action. There won't be quotas to fill. Others fear that removing barriers will be costly. Research shows that 59% of the accommodations would cost under \$500, 50% would be under \$50. We're trying to put aside the myths."

PR SITUATIONS LIKELY TO DEVELOP

- 1) As with any pathbreaking law, many suits will be filed less in anger than to clarify interpretation. But they can be just as disruptive to an organization -- & dangerous to its reputation, particularly in emotionally loaded cases of persons with disabilities.
- 2) Litigation will prompt media "surveys" of compliance.
- 3) Activist groups will want to negotiate with non-compliers. These are, of course, opportunities for those with the right policies & actions. Such groups include Ass'n of Retarded Citizens, Epilepsy Fdn, Cerebral Palsy Fdn, Paralyzed Veterans Ass'n, Disability Rights Educational Defense Fund, Easter Seal Society.
- 4) Employee diversity is again focused, pressuring organizations that have not yet built it into their culture & management behavior.
- 5) More problems like Affirmative Action, EEO where some feel others get special treatment & resent it.
- 6) Assuring that mgmt understands & buys into the philosophy of individual worth, even in a time of tight budgets & competitiveness.
- 7) Are customers or others stakeholders affected?
- 8) Overall, a tremendous educational job to communicate what the law really says, forcing practitioners to be knowledgeable enough to mediate internal disputes -- plus explaining this emotional subject to the media & publics if you're caught in the crossfire.

**UPSET ONTARIO ELECTION BRINGS CHALLENGES;
START OF NEW SOCIALISTIC WAVE IN AMERICA?** It "will present major opportunities to pr & pa practitioners because it's the first time in 50 years a socialist-democratic government won in the province," Eric Cunningham, pres, OEB International told pr. Recent victory of New Democrat Bob Rae over Liberal Premier David Peterson signals major change in gov't relations with various sectors. Equivalent would be socialist win in California or New York.

A BOON FOR... Organizations involved with healthcare, education & environment. "There will be more emphasis in these areas, and also on people. The New Democrats will put more capital into the education system." Good for organizations involved with public transit, pollution abatement.

A BANE FOR... The nuclear industry. "There will be greater requirements on safety, etc. If the industry cannot comply -- if Ontario Hydro cannot address the challenge -- the commitment to nuclear may be in jeopardy. NDs have deep-rooted policy statements indicating they are anti-nuke." Insurance industry will also be at odds, since the NDs want a public insurance system.

Any company entrenched in the tenets of the Free Trade Agreement with the US may experience difficulty, since the premier-elect is against it. "Tho he hasn't the power to rescind the agreement, you can bet there will be fireworks between here and Ottawa (which supports it)." Cunningham notes it will fall to practitioner to ameliorate conflict, tho the insurance issue appears irreconcilable.

**STUDY SHOWS VOLUNTEERS
VULNERABLE TO LAWSUITS** Society's litigiousness may squelch the volunteer incentive, being touted by businesses, public service organizations & gov't as a way to solve societal problems in a time of scarce resources -- while providing valuable human experience to volunteers.

Already, SLAPP suits stop individuals who express an opinion on an issue or coalesce for a cause (pr 12/18/89). Now a study finds that volunteers are also vulnerable to lawsuits.

"Almost all states limit lawsuits against nonprofits' directors & officers, but only half protect other volunteers," Charles Tremper, dir, Non-profits' Risk Management & Insurance Institute (DC), which conducted the study, told pr. "In many states, volunteers who serve the public directly run a greater risk of personal liability than do volunteer directors." Tremper says volunteer activities across the board are vulnerable. "Transportation, coaching, soup kitchens, first aid, you name it."

"There is great anxiety about re-evaluating policies and programs, but it's no time to overreact. The new government will be methodical in how it deals with the corporate sector, but more open to the consultative process. Our challenge will be to help perceive the public interest & the gov't agenda, help marry strategies with changing government plans."