



If you have been diagnosed with cancer, and are suffering from physical symptoms or side effects from treatment and you are currently working, you need to know what your rights are in the workplace.

The American Disabilities Act (ADA) is a law that prohibits discrimination against people with disabilities, and requires some employers to provide “reasonable accommodations” for employees who are disabled due to cancer.

Use this pamphlet to build a bridge of communication with your boss or HR department, regarding any “reasonable accommodations” you might need, in order to remain successful on the job!

What is the Americans with Disabilities Act (ADA)?

The ADA is a federal law that protects employees with disabilities from discrimination as long as they can perform the essential functions of their jobs with or without a reasonable accommodation. Under the ADA, “disability” means a “physical or mental impairment that substantially limits a major life activity.” Cancer and cancer treatment can be mildly to extremely disabling, and is often considered a disability under the ADA when it interferes with a person’s ability to participate in major life activities, such as eating, driving, or possibly working. The ADA applies to employers with at least 15 employees, but if you work for a smaller employer, you may be protected against discrimination by a similar state fair employment law.

How does the ADA protect me?

If you are a qualified person with a disability under the ADA’s definition, your employer cannot refuse to hire you, may not fire you, harass you, or otherwise treat you differently just because you have cancer. Additionally, your employer may be required to make reasonable accommodations for you, unless this would cause an “undue hardship” for them, such as a significant expense or difficulty.

Cancer symptoms and the side effects from treatment vary from patient to patient. One of the most common side effects is extreme fatigue. However, cancer treatment and/or medications can cause countless physical, emotional and psychological symptoms. In truth, some mild symptoms may remain after cancer is in remission, such as neuropathy in hands and feet, and/or short-term memory recall. Employees having trouble doing their jobs because of their symptoms and side effects can request reasonable accommodations under the ADA.

What are Reasonable Accommodations?

Reasonable accommodations are changes your employer can make to your working conditions to help you to perform your work duties. Reasonable accommodations might include anything from modifying lighting at your desk, adjusting the temperature in the office, taking frequent breaks, working from home, being allowed to work in a quiet area, or temporarily reassigning certain work to other employees..

One thing to keep in mind about reasonable accommodations is that what is “reasonable” for one person in one position may not be reasonable for someone else. Whether or not an accommodation is reasonable will depend on the nature of the person’s job, what types of resources the employer has, and is determined on a case-by-case basis. For example, if you are a cashier, working from home may not be an accommodation that is reasonable, while requesting a stool to sit on while you work may be. Taking time off from work is sometimes considered a reasonable accommodation, but again, this is usually determined on a case-by-case basis and may be related to eligibility for leave under the Family and Medical Leave Act.

How Do I Ask For an Accommodation?

You do not have to use any magic words when requesting a reasonable accommodation. It is a good idea to start with talking to your supervisor or to your HR Department as soon as you know of your need for an accommodation, before your work performance suffers.

Your employer is allowed to ask you for a doctor’s note (sometimes called a medical certification) to show your need for an accommodation, and can deny your request if you do not provide a doctor’s note. When you ask for an accommodation, you are starting what is called the “interactive process,” which is where you and your employer negotiate about what types of accommodations might be the most reasonable for both you and the employer. That means that your employer might not be required

to give you the accommodation that you ask for if there is another accommodation that would be less expensive or less of a hardship. This also means that if your employer does not want to provide you with the accommodation you want, they cannot simply say no; instead, they have to work with you to try to find an accommodation that works. Sometimes, however, there are no accommodations that would make it possible for an employee to keep working and performing the essential functions of his or her job.

What if my Employer says No or Treats me Differently?

The ADA is enforced by the Equal Employment Opportunity Commission (EEOC). If you think your employer is violating the ADA by refusing to provide reasonable accommodations, trying to force you to quit your job, or otherwise harassing you or treating you differently because of your cancer diagnosis, you may want to speak with an employment law attorney and consider filing a complaint with the Equal Employment Opportunity Commission or your state's fair employment agency.

For more information, please visit:

<https://www.eeoc.gov/laws/types/cancer.cfm>

[Job Accommodation Network: www.askjan.org](http://www.askjan.org)

The Cancer Legal Resource Center (CLRC) is a program of the Disability Rights Legal Center (DRLC).

The CLRC provides free information and resources to people with cancer-related legal questions. Review our other publications at cancerlegalresources.org, submit your questions online at clrcintake.org, or leave a message for someone to call you for an intake on our national toll-free number, 866-THE CLRC.



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What do I Tell My Employer If I Have Been Diagnosed with Cancer?

