

# JAN

Job Accommodation Network

Practical Solutions • Workplace Success

## Accommodation and Compliance Series

### Employees with Cancer

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A service of the U.S. Department of Labor's Office of Disability Employment Policy

## Preface

The Job Accommodation Network (JAN) is a service of the Office of Disability Employment Policy of the U.S. Department of Labor. JAN makes documents available with the understanding that the information be used solely for educational purposes. The information is not intended to be legal or medical advice. If legal or medical advice is needed, appropriate legal or medical services should be contacted.

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Authored by Beth Loy, Ph.D. Updated 11/14/11.

# **JAN'S ACCOMMODATION AND COMPLIANCE SERIES**

## **Introduction**

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <http://AskJAN.org/soar>.

## **Information about Cancer**

### **How prevalent is cancer?**

The lifetime risk of developing cancer is one in two for men and one in three for women (American Cancer Society, 2011).

### **What is cancer?**

Cancer develops when cells in a part of the body begin to grow out of control. Although there are many kinds of cancer, they all start because of out-of-control growth of abnormal cells. Normal body cells grow, divide, and die in an orderly fashion. During the early years of a person's life, normal cells divide more rapidly until the person becomes an adult. After that, cells in most parts of the body divide only to replace worn-out or dying cells and to repair injuries. Because cancer cells continue to grow and divide, they are different from normal cells. Instead of dying, they outlive normal cells and continue to form new abnormal cells. Cancer cells often travel to other parts of the body where they begin to grow and replace normal tissue. This process, called metastasis, occurs as the cancer cells get into the bloodstream or lymph vessels of our body. When cells from a cancer like breast cancer spread to another organ like the liver, the cancer is still called breast cancer, not liver cancer (American Cancer Society, 2011).

### **What are the symptoms of cancer?**

Some generalized symptoms and signs such as unexplained weight loss, fever, fatigue, or lumps may be seen in several types of cancer; however, other signs and symptoms are relatively specific to a particular type of cancer (American Cancer Society, 2011).

### **What causes cancer?**

Cancer is caused by both external (chemicals, radiation, and viruses) and internal (hormones, immune conditions, and inherited mutations) factors. Different cancers have different risk factors. Causal factors may act together or in sequence to initiate or promote cancer. Risk factors may increase a person's risk but do not always "cause" the disease. Many people with one or more risk factors never develop cancer, while others with this disease have no known risk factors. Ten or more years can pass between exposures or mutations and detectable cancer (American Cancer Society, 2011).

### **How is cancer staged?**

Staging is the process of finding out how much cancer there is in the body and where it is located. Doctors use this information to plan treatment and to help determine a person's outlook (prognosis). Cancers with the same stage usually have similar outlooks and are often treated the same way. Staging is also a way doctors can communicate with each other about a person's case. For most cancers, the stage is based on three main factors: the original (primary) tumor's size and whether the tumor has grown into other nearby areas, whether the cancer has spread to the nearby lymph nodes, and whether the cancer has spread to distant areas of the body (American Cancer Society, 2011).

### **How is cancer treated?**

Treatment options may include surgery, radiation, chemotherapy, hormone therapy, immunotherapy, and targeted therapy (American Cancer Society, 2011).

## **Cancer and the Americans with Disabilities Act**

### **Is cancer a disability under the ADA?**

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet on a case by case basis (EEOC Regulations . . . , 2011). A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having an impairment (EEOC Regulations . . . , 2011).

However, according to the Equal Employment Opportunity Commission (EEOC), the individualized assessment of virtually all people with cancer will result in a determination of disability under the ADA; given its inherent nature, cancer will almost always be found to substantially limit the major life activity of normal cell growth (EEOC Regulations . . . , 2011).

## **Accommodating Employees with Cancer**

(Note: People with cancer may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with cancer will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.)

### **Questions to Consider:**

1. What limitations is the employee with cancer experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Has the employee with cancer been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee with cancer to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding cancer?

### **Accommodation Ideas:**

#### Fatigue/Weakness:

- Reduce or eliminate physical exertion and workplace stress
- Schedule periodic rest breaks away from the workstation
- Allow a flexible work schedule and flexible use of leave time
- Allow work from home
- Implement ergonomic workstation design
- Provide a scooter or other mobility aid if walking cannot be reduced
- Provide parking close to the work-site
- Install automatic door openers
- Make sure materials and equipment are within reach range
- Move workstation close to other work areas, office equipment, and break rooms
- Reduce noise with sound absorbent baffles/partitions, environmental sound machines, and headsets
- Provide alternate work space to reduce visual and auditory distractions

### Medical Treatment Allowances:

- Provide flexible schedule and leave time
- Allow a self-paced workload with flexible hours
- Allow employee to work from home
- Provide part-time work schedules

### Respiratory Difficulties:

- Provide adjustable ventilation
- Keep work environment free from dust, smoke, odor, and fumes
- Implement a "fragrance-free" workplace policy and a "smoke free" building policy
- Avoid temperature extremes
- Use fan/air-conditioner or heater at the workstation
- Redirect air conditioning and heating vents

### Skin Irritations:

- Avoid infectious agents and chemicals
- Avoid invasive procedures (activities that could exacerbate skin condition)
- Provide alternative and protective clothing

### Stress:

- Develop strategies to deal with work problems before they arise
- Provide sensitivity training to coworkers
- Allow telephone calls during work hours to doctors and others for support
- Provide information on counseling and employee assistance programs
- Allow flexible work environment:
  - Flexible scheduling
  - Modified break schedule
  - Leave for counseling
  - Work from home/Flexi-place

### Temperature Sensitivity:

- Modify work-site temperature
- Modify dress code
- Use fan/air conditioner or heater at the workstation
- Allow flexible scheduling and flexible use of leave time
- Allow work from home during extremely hot or cold weather
- Maintain the ventilation system
- Redirect air conditioning and heating vents
- Provide an office with separate temperature control

## **Situations and Solutions:**

An engineer working for a large industrial company had to undergo radiation treatment for cancer during working hours. She was provided a flexible schedule in order to attend therapy and also continue to work full-time.

A machine operator who was undergoing radiation therapy for cancer was accommodated by having his workstation moved. The move transferred the individual to an area of the plant where no radiation exposure existed.

A warehouse worker whose job involved maintaining and delivering supplies was having difficulty with the physical demands of his job due to fatigue from chemotherapy treatment. The individual was accommodated with a three-wheeled scooter to reduce walking. The warehouse was also rearranged to reduce the individual's climbing and reaching.

A secretary with cancer was having difficulty working full-time due to fatigue from chemotherapy treatments. Her employer accommodated her by allowing her to work part-time and allowing her to take frequent rest breaks while working.

A psychiatric nurse with cancer was experiencing difficulty dealing with job-related stress. He was accommodated with a temporary transfer and was referred to the employer's employee assistance program for emotional support and stress management tools.

A lawyer with cancer was experiencing lapses in concentration due to the medication she was taking. Her employer accommodated her by giving her uninterrupted time to work. She was also allowed to work at home two days a week.

## **Products:**

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource at <http://AskJAN.org/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

## Resources

### **Job Accommodation Network**

West Virginia University  
PO Box 6080  
Morgantown, WV 26506-6080  
Toll Free: (800)526-7234  
TTY: (877)781-9403  
Fax: (304)293-5407  
jan@AskJAN.org  
<http://AskJAN.org>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

### **Office of Disability Employment Policy**

200 Constitution Avenue, NW, Room S-1303  
Washington, DC 20210  
Toll Free: (866)633-7365  
TTY: (877)889-5627  
Fax: (202)693-7888  
<http://www.dol.gov/odep/>

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

### **American Cancer Society**

250 Williams Street  
Atlanta, GA 30303  
Toll Free: (800)227-2345  
Direct: (404)315-1123  
Fax: (404)315-9348  
<http://www.cancer.org>

The American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy, and service.

**American Institute for Cancer Research**

1759 R Street NW  
Washington, DC 20009  
Toll Free: (800)843-8114  
Direct: (202)328-7744  
Fax: (202)328-7226  
aicrweb@aicr.org  
<http://www.aicr.org>

Provides general information on cancer and information on the society's programs and services.

**Cancer Hope Network**

2 North Rd., Suite A  
Chester, NJ 07930  
Toll Free: (800)552-4366  
Direct: (908)879-4039  
Fax: (908)879-6518  
info@cancerhopenetwork.org  
<http://www.cancerhopenetwork.org>

Cancer Hope Network is a program of personal support and encouragement offered to people undergoing chemotherapy or radiation therapy by persons who have experienced therapy themselves. A visit between a support person and the patient is arranged on a one-to-one basis and persons are matched according to their similarity of treatment.

**Cancer Information Service**

NCI Public Inquiries Office  
6116 Executive Boulevard, Ste. 300  
Bethesda, MD 20892-8322  
Toll Free: (800)422-6237  
TTY: (800)332-8615  
cancergovstaff@mail.nih.gov  
<http://www.cancer.gov/aboutnci/cis>

Through its toll-free phone service, the CIS provides accurate, up-to-date information on cancer to patients and their families, health professionals, and the general public. Through the outreach program, the CIS serves as a resource for state and regional organizations by providing printed materials and technical assistance to cancer education, media campaigns, and community programs. The CIS offices are located at NCI-designated cancer centers and other health care institutions.

**Cancer Legal Resource Center**

800 S. Figueroa Street, Ste. 1120  
Los Angeles, CA 90017  
Toll Free: (866)843-2572  
TDD: (213)736-8310  
Fax: (213)736-1428  
clrc@lls.edu  
<http://www.CancerLegalResourceCenter.org>

The Cancer Legal Resource Center (CLRC) is a joint program of the Disability Rights Legal Center and Loyola Law School. The CLRC provides free and confidential information and resources on cancer-related legal issues to cancer survivors, their families, friends, employers, health care professionals, and others coping with cancer.

**CancerCare, Inc.**

275 Seventh Ave.  
New York, NY 10001  
Toll Free: (800)813-HOPE  
Direct: (212)712-8400  
info@cancercare.org  
<http://www.cancercare.org>

CancerCare is a national non-profit organization whose mission is to provide free professional help to people with all cancers through counseling, education, information and referral and direct financial assistance.

**Centers for Disease Control and Prevention**

1600 Clifton Rd NE  
Atlanta, GA 30333  
Toll Free: (800)232-4636  
Direct: (404)498-1515  
TTY: (888)232-6348  
<http://www.cdc.gov>

The Centers for Disease Control and Prevention are dedicated to protecting the health and safety of people - at home and abroad, providing credible information to enhance health decisions, and promoting health through strong partnerships.

**National Bone Marrow Transplant Link**

20411 W. 12 Mile Rd., Suite 108  
Southfield, MI 48076  
Toll Free: (800)546-5268  
Direct: (248)358-1886  
Fax: (248)358-1889  
info@nbmtlink.org  
<http://www.nbmtlink.org>

The National Bone Marrow Transplant Link is a reference for bone marrow transplantation, finances and medical insurance, information about peer support, and survivor stories.

**National Cancer Institute**

Public Inquiries Office  
6116 Executive Boulevard  
Suite 300  
Bethesda, MD 20892-8322  
Toll Free: (800)422-6237  
TTY: (800)332-8615  
<http://www.cancer.gov/>

The National Cancer Institute is the Nation's primary agency for cancer research.

**National Coalition for Cancer Survivorship**

1010 Wayne Avenue, Suite 770  
Silver Spring, MD 20910  
Toll Free: (888)650-9127  
Direct: (301)650-9127  
Fax: (301)565-9670  
[info@canceradvocacy.org](mailto:info@canceradvocacy.org)  
<http://www.canceradvocacy.org>

The National Coalition for Cancer Survivorship (NCCS) is a grassroots network of individuals and organizations working on behalf of people with all types of cancer.

**National Organization for Rare Disorders**

55 Kenosia Avenue  
PO Box 1968  
Danbury, CT 06813-1968  
Toll Free: (800)999-6673  
Direct: (203)744-0100  
TTY: (203)797-9590  
Fax: (203)798-2291  
[orphan@rarediseases.org](mailto:orphan@rarediseases.org)  
<http://www.rarediseases.org/>

NORD is a unique federation of voluntary health organizations dedicated to helping people with rare "orphan" diseases and assisting the organizations that serve them. NORD is committed to the identification, treatment, and cure of rare disorders through programs of education, advocacy, research, and service.

## References

- American Cancer Society. (2011). Cancer facts & figures. Retrieved November 14, 2011, from <http://www.cancer.org/acs/groups/content/@epidemiologysurveillance/documents/document/acspc-029771.pdf>
- EEOC Regulations To Implement the Equal Employment Provisions of the Americans With Disabilities Act, as Amended, 29 C.F.R. § 1630 (2011).

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