

# JAN

Job Accommodation Network

Practical Solutions • Workplace Success

## Accommodation and Compliance Series

### Employees with Chronic Pain

Job Accommodation Network  
PO Box 6080  
Morgantown, WV 26506-6080  
(800)526-7234 (V)  
(877)781-9403 (TTY)  
[jan@askjan.org](mailto:jan@askjan.org)  
[askjan.org](http://askjan.org)



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

## Preface

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Authored by Beth Loy, Ph.D. Updated 12/30/15.

# **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 Chronic Pain**

### **How prevalent is chronic pain?**

Chronic pain has been said to be the most costly health problem in America. According to a recent USA TODAY/ABC News/Stanford University Medical Center poll, almost one in five Americans suffer from chronic pain (Sternberg, 2005).

### **What is chronic pain?**

While acute pain is a normal sensation triggered in the nervous system to alert you to possible injury and the need to take care of yourself, chronic pain is different. Chronic pain persists. Pain signals keep firing in the nervous system for weeks, months, even years (National Institute of Neurological Disorders and Stroke, 2011).

### **What are the symptoms of chronic pain?**

Living with chronic pain can lead to loss of appetite, depression, and exhaustion. The pain associated with chronic pain usually overwhelms all other symptoms.

### **What causes chronic pain?**

Chronic pain can be caused by headaches, low back pain, cancer pain, arthritis pain, neurogenic pain (pain resulting from damage to the peripheral nerves or to the central nervous system itself), psychogenic pain (pain not due to past disease or injury or any visible sign of damage inside or outside the nervous system) (National Institute of Neurological Disorders and Stroke, 2011).

## **How is chronic pain treated?**

Medications, acupuncture, local electrical stimulation, and brain stimulation, as well as surgery, are some treatments for chronic pain (National Institute of Neurological Disorders and Stroke, 2011). Depression is often associated with chronic pain and may need to be treated as a separate, but related, condition.

## **Chronic Pain and the Americans with Disabilities Act**

### **Is chronic pain 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 (EEOC Regulations . . . , 2011). Therefore, some people with chronic pain will have a disability under the ADA and some will not.

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). For more information about how to determine whether a person has a disability under the ADA, visit <http://AskJAN.org/corner/vol05iss04.htm>.

## **Accommodating Employees with Chronic Pain**

(Note: People with chronic pain 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 chronic pain 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 chronic pain 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 chronic pain been consulted regarding possible accommodations?

6. Once accommodations are in place, would it be useful to meet with the employee with chronic pain to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?

7. Do supervisory personnel and employees need training regarding chronic pain?

### **Accommodation Ideas:**

#### Activities of Daily Living:

- Allow use of a personal attendant at work
- Allow use of a service animal at work
- Make sure the facility is accessible
- Move workstation closer to the restroom
- Allow longer breaks
- Refer to appropriate community services
- Provide access to a refrigerator

#### Depression and Anxiety:

- 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 time off for medical treatment

#### 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 a self-paced workload
- Provide parking close to the work-site and an accessible entrance
- Install automatic door openers
- Provide an accessible route of travel to other work areas used by the employee
- Move workstation close to other work areas, office equipment, and break rooms

#### Muscle Pain and Stiffness:

- Implement ergonomic workstation design, e.g., ergonomic chair and adjustable workstation to alternate between sitting and standing
- Reduce repetitive tasks or interrupt the tasks with other duties
- Provide carts and lifting aids
- Modify work-site temperature and/or dress code

- Use fan/air-conditioner or heater at the workstation
- Allow work from home during extremely hot or cold weather

### **Situations and Solutions:**

An appointment secretary was reprimanded for poor attendance due to chronic pain. She was provided periodic rest breaks when at work and allowed telecommuting part-time.

A human resources manager had chronic pain due to a car accident. The individual was having difficulty getting to work on time. He was accommodated with a flexible schedule to allow more time to access public transit.

A switchboard operator with chronic pain and fibromyalgia was accommodated with flexible scheduling, rest breaks, and an adjustable workstation. The adjustable workstation allowed her to alternate between a sitting and standing position.

An individual with chronic pain due to a back injury was having difficulty sitting throughout the day. She was accommodated with a reclining workstation.

A medical technician with chronic pain was restricted from doing repetitive work. He was required to perform typing throughout the day. He was transferred to another job requiring less repetition.

An assembly line worker with chronic pain was having difficulty standing for long periods. He was accommodated with a sit-lean stool and anti-fatigue matting.

### **Products:**

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource (SOAR) at <http://AskJAN.org/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, upon request JAN provides these lists and many more that are not available on the Web site. 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 Academy of Pain Management**

975 Morning Star Drive Suite A  
Sonora, CA 95370  
Direct: (209)533-9744  
Fax: (209)533-9750  
aapm@aapainmanage.org  
<http://www.aapainmanage.org>

The American Academy of Pain Management is the largest multidisciplinary pain society and largest physician based pain society in the United States.

### **American Chronic Pain Association**

P.O. Box 850  
Rocklin, CA 95677-0850  
Toll Free: (800)533-3231  
Fax: (916)632-3208

ACPA@pacbell.net  
<http://www.theacpa.org>

The purpose of the American Chronic Pain Association is to facilitate peer support and education for individuals with chronic pain and their families so that these individuals may live more fully in spite of their pain.

**American Pain Society**

8735 W. Higgins Road,  
Suite 300  
Chicago, IL 60631  
Toll Free: (847)375-4715  
[info@americanpainsociety.org](mailto:info@americanpainsociety.org)  
<http://www.ampainsoc.org>

The American Pain Society is a multidisciplinary community that brings together a diverse group of scientists, clinicians, and other professionals to increase the knowledge of pain and transform public policy and clinical practice to reduce pain-related suffering.

**International Association for the Study of Pain**

1510 H St. NW, Suite 600  
Washington, DC 20005-1020  
Direct: (202)524-5300  
Fax: (202)524-5301  
[iaspdesk@iasp-pain.org](mailto:iaspdesk@iasp-pain.org)  
<http://www.iasp-pain.org>

IASP is an international, multidisciplinary, non-profit professional association dedicated to furthering research on pain and improving the care of patients with pain.

**National Institute of Neurological Disorders and Stroke**

P.O. Box 5801  
Bethesda, MD 20824  
Toll Free: (800)352-9424  
Direct: (301)496-5751  
<http://www.ninds.nih.gov/>

The NINDS, an agency of the U.S. Federal Government and a component of the National Institutes of Health and the U.S. Public Health Service, is a lead agency for the congressionally designated Decade of the Brain, and the leading supporter of biomedical research on disorders of the brain and nervous system.

**National Organization for Rare Disorders**

55 Kenosia Avenue  
Danbury, CT 06813-1968

Toll Free: (800)999-6673  
Direct: (203)744-0100  
Fax: (203)798-2291  
<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

EEOC Regulations To Implement the Equal Employment Provisions of the Americans

With Disabilities Act, as Amended, 29 C.F.R. § 1630 (2011).

National Institute of Neurological Disorders and Stroke. (2011). *NINDS chronic pain*

*information page*. Retrieved December 28, 2011, from

[http://www.ninds.nih.gov/disorders/chronic\\_pain/chronic\\_pain.htm](http://www.ninds.nih.gov/disorders/chronic_pain/chronic_pain.htm)

Sternberg, S. (2005). *Chronic pain: The enemy within*. Retrieved December 28, 2011,

from <http://www.usatoday.com/news/health/2005-05-08-chronic-pain->

[cover\\_x.htm](http://www.usatoday.com/news/health/2005-05-08-chronic-pain-cover_x.htm)

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