

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Employees with Body Odor

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Preface

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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 Body Odor

Employers are often uncomfortable dealing with hygiene problems such as body odor, incontinence, or inappropriate clothing. Some employers try to deal with these problems indirectly by sending anonymous notes or leaving soaps and deodorants on the employee's desk. Unfortunately, ignoring hygiene problems or dealing with them indirectly may allow them to continue until they start interfering with the work of other employees or driving customers away.

People may have body odor for various reasons, including disability. Individuals with body odor may not be aware that their odor is offensive to others, so employers need to start by discussing the issue with the employee. If body odor results from a disability, employers should consider whether reasonable accommodation is appropriate. For employers who want to deal with hygiene problems directly, the following suggestions may be useful.

Where to Begin:

Employers may want to first decide who will deal with hygiene problems when they arise (e.g., human resources or the employee's direct supervisor). The person chosen to deal with the problem should verify that the problem exists, by either making sure information about the problem came from a reliable source or through direct interaction with the employee who has the problem. Before talking with the employee, the employer should decide whether the source of the information will be provided to the employee, be prepared to discuss details about the problem, and be familiar with company policy and procedure related to such issues.

Discussing the Problem:

Once the employer is prepared to meet with the employee, the next step is to choose a place and time to meet. The meeting should be in a private area with enough time set aside for the employee to regain his/her composure, if needed, before returning to work.

When discussing the problem with the employee, the employer should be sensitive but direct, letting the employee know that he/she has a hygiene problem that must be addressed. In some cases, the employee may be unaware that a problem exists and may need specific information about what the problem is. The employer may need to describe the problem (e.g., smell of urine or feces, urine or feces left on office chairs, odor from flatulence, smell of sweat, bad breath, disheveled appearance) and let the employee know how it is affecting the workplace (e.g., bothering coworkers, customers complaining).

The employer should also let the employee know what is expected (e.g., when must the problem be fixed, what happens in the meantime, and what follow up will take place). If there is a specific company policy that addresses the issue, the employer should point it out or provide a copy. The employer also may want to make a general statement such as, "If I can help you resolve this problem, please let me know."

If the employee has a disability, the employer should not assume that the hygiene problem is disability-related. There may be other causes for the problem besides the disability, such as personal problems, financial problems, cultural differences, or simply a failure to bathe. If the employee does not indicate that the problem is related to a disability, then the employer should proceed according to company policy. If the employee does indicate that the problem is related to a disability, then the employer should initiate an interactive process to determine whether the Americans with Disabilities Act (ADA) applies and whether there are accommodations that may resolve the problem.

Body Odor and the Americans with Disabilities Act

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. 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. For more information about how to determine whether a person has a disability under the ADA, see [How to Determine Whether a Person Has a Disability under the Americans with Disabilities Act Amendments Act \(ADAAA\)](#).

Accommodating Employees with Body Odor

If the employee has a qualifying disability and the employer is covered by the ADA, the employer must consider accommodations. In some cases, an employee may be able to overcome a hygiene problem through medical treatment. In such cases, the only accommodations needed may be flexible scheduling or leave time for treatment. In other cases, the problem may not be correctable and the employer must consider other accommodation options. If the employee's job does not require in-person interaction with coworkers or customers, it might be a reasonable accommodation to modify the hygiene policy for the employee or allow the employee to work from home.

On the other hand, if the employee's job does require in-person interaction with coworkers and customers, the employer needs to explore accommodation options to reduce or eliminate the problem. If there are no accommodations, the employer does not have to allow the employee to continue working in his/her current job if the problem is affecting business. However, the employer should consider reassigning the employee to a job that does not involve in-person contact if one is available.

Questions to Consider:

1. What limitations is the employee 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 been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training?

Accommodation Ideas:

Limitations

Body Odor

- Air Cleaners & Purifiers
- Flexible Schedule
- Odor Absorption

- Telework, Work from Home, Working Remotely

Work-Related Functions

Policies

- Additional Training Time / Training Refreshers
- Aide/Assistant/Attendant
- Flexible Schedule
- Marginal Functions
- Modified Break Schedule
- Periodic Rest Breaks
- Policy Modification
- Reassignment
- Service Animal
- Supervisory Methods
- Support Animal
- Telework, Work from Home, Working Remotely

Situations and Solutions:

A retail clerk with a skin disorder had been leaving flaking skin around the store.

HR talked with the employee and he agreed to wear a long sleeve t-shirt under the company uniform, which was a short-sleeved polo shirt.

A customer service representative recovering from colon cancer had a colostomy bag, which often smelled of feces.

When confronted about this problem, the employee said she had been embarrassed about cleaning the bag in the employee restroom so she had not been cleaning it enough. She was provided with a private area to clean her bag.

A paralegal with diabetes was having trouble keeping his blood sugar under control, which led to very bad breath.

He and her employer agreed that he would temporarily be excused from going into court during trials. They agreed to reassess the situation in three weeks, the amount of time his doctor estimated it would take to get his condition under control.

A receptionist had been leaving urine on her chair and her workspace smelled of urine.

Coworkers had to use the space when they filled in for the receptionist during breaks and lunch. When approached about the issue, the employee indicated she was trying new medication for incontinence and it might take a couple weeks to become effective. The employer provided an extra chair with protective covering for the receptionist's use only and she agreed to clean the chair regularly.

A claims processor with a gastrointestinal disorder was having flare ups of his condition, which resulted in a strong odor that was affecting coworkers.

He asked to work from home until he could get his condition under control. His employer granted his request.

After receiving complaints from coworkers about an employee passing very smelly gas, the employer discussed the problem with the employee.

The employee said he was aware of the problem, but did not know it was that bad. He indicated that he has a gastrointestinal disorder that had flared up recently. The employer agreed to allow the employee to telework until the employee's condition was under control again.

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: (304) 293-7186
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
odep@dol.gov
<http://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.

Genetic and Rare Diseases Information Center (GARD)

P.O. Box 8126
Gaithersburg, MD 20898-8126
Toll Free: (888) 205-2311
Fax: (301) 251-4911
<https://rarediseases.info.nih.gov/>

The Genetic and Rare Diseases (GARD) Information Center is a program of the National Center for Advancing Translational Sciences (NCATS) and funded by two parts of the National Institutes of Health (NIH): NCATS and the National Human Genome Research Institute (NHGRI). GARD provides the public with access to current, reliable, and easy to understand information about rare or genetic diseases in English or Spanish.

Mayo Clinic

13400 E. Shea Blvd.
Scottsdale, AZ 85259
Direct: (480) 301-8000
<http://www.mayoclinic.org/>

The Mayo Clinic's mission to inspire hope and contribute to health and well-being by providing the best care to every patient through integrated clinical practice, education and research.

MEBO Research

FL
Direct: (786) 228-6880
<http://meboresearch.org/>

MEBO Research's Mission is to initiate formal scientific research into rare genetic metabolic diseases, particularly those resulting in systemic, difficult to control body malodor and halitosis conditions, including but not limited to Trimethylaminuria. In addition, studies will be initiated to analyze and categorize gut microbiota and to characterize the genes that the microbes are expressing in an effort to identify and understand microbial communities that could produce malodor symptoms, and to identify effective targeted course of treatment to control symptoms, and preferably cure the condition of our international body odor community.

National Center for Biotechnology Information

8600 Rockville Pike
Bethesda, MD 20894
pubmedcentral@ncbi.nlm.nih.gov
<http://www.ncbi.nlm.nih.gov/>

MISSION: IMS brings together an international community of health care professionals, researchers, educators, and others to improve care and transform delivery of treatment to those suffering from soft tissue pain through the promotion and exchange of globally recognized research, education, and innovation in patient care.

National Human Genome Research Institute

31 Center Drive, MSC 2152
9000 Rockville Pike
Bethesda, MD 20892-2152
Direct: (301) 402-0911
Fax: (301) 402-2218
<https://www.genome.gov/>

NHGRI's mission has expanded to encompass a broad range of studies aimed at understanding the structure and function of the human genome and its role in health and disease. To that end NHGRI supports the development of resources and technology that will accelerate genome research and its application to human health. A critical part of the NHGRI mission continues to be the study of the ethical, legal and social implications (ELSI) of genome research. NHGRI also supports the training of investigators and the dissemination of genome information to the public and to health professionals.

National Organization for Rare Disorders

55 Kenosia Avenue
Danbury, CT 06813-1968
Toll Free: (800) 999-6673
Direct: (203) 744-0100
Fax: (203) 263-9938
<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.

This document was developed by the Job Accommodation Network, funded by a contract from the U.S. Department of Labor, Office of Disability Employment Policy (#1605DC-17-C-0038). The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Labor. Nor does mention of tradenames, commercial products, or organizations imply endorsement by the U.S. Department of Labor.