



• Barbara Hoffman, JD •

WORKING IT OUT

Your Employment Rights As A Cancer Survivor

**How Employment Discrimination Laws
Protect Cancer Survivors**



How to Avoid Discrimination



How to Protect Your Legal Rights



Publications and Resources

A publication of the



**NATIONAL COALITION
FOR CANCER SURVIVORSHIP**

The power of survivorship. The promise of quality care.

Legal Disclaimer

This publication has been created by the National Coalition for Cancer Survivorship (NCCS) to provide cancer survivors and their loved ones with general information about their legal rights relating to employment. This publication represents the author's opinions and is not designed to provide individual legal advice nor to substitute for professional counsel. This publication describes federal and state laws in effect in 2012. Your legal rights may change with passage of new laws and court decisions.

Tenth Edition

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ABOUT THE NATIONAL COALITION FOR CANCER SURVIVORSHIP

Founded by and for cancer survivors in 1986, the National Coalition for Cancer Survivorship (NCCS) created the widely accepted definition of survivorship and considers someone a cancer survivor from the time of diagnosis through the balance of life. As the oldest survivor-led cancer advocacy organization, NCCS's mission is to advocate for quality cancer care for all people touched by cancer. NCCS focuses on advancing public policy issues that affect cancer survivors and on providing tools and resources to empower people to advocate for themselves.

ABOUT THE AUTHOR

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The National Coalition for Cancer Survivorship defines “cancer survivor” as anyone with a history of cancer from the point of diagnosis through the balance of life.

INTRODUCTION

The employment concerns of cancer survivors have changed notably during the past generation. In the 1970s, less than one-half of the individuals diagnosed with cancer survived more than five years. Treatment options were few, often disabling, and commonly ineffective. Myths about cancer prevailed. Consequently, many survivors experienced problems getting and keeping a job. Significant medical, social, and legal progress has extended and enhanced the lives of millions of cancer survivors. Advances in cancer treatment changed attitudes about cancer, which in turn led to a considerable expansion of the legal rights of cancer survivors in the workplace.

A 2006 national survey of cancer survivors (*Breakaway from Cancer*[®], 2006) found that most employers appear to be highly sensitive and accommodating to the needs of employees who have cancer or who are caregivers for cancer survivors. Three out of five survivors reported receiving co-worker support, such as help with work or random acts of kindness. Survivors and caregivers reported few negative reactions from their employers and co-workers.

Although the attitudes of cancer survivors and their co-workers have changed, one factor has remained constant over the past generation — most cancer survivors want to, and in fact, are able to perform their jobs and return to work after diagnosis. Whether a survivor continues to work during treatment or returns to work after treatment, and if so, whether that survivor’s diagnosis or treatment will result in working limitations, depends on many factors, such as the survivor’s:

- Age
- Stage at diagnosis
- Financial status
- Education
- Access to health insurance and transportation
- Physical demands of the job
- Presence of any other chronic health conditions

Medical treatment decisions that consider quality of life and the shift towards providing cancer treatment in outpatient settings have contributed to the increasing number of survivors who can work during their treatment.

This publication describes your legal rights relating to employment. It suggests ways to avoid cancer-related employment problems and describes steps to consider if you feel you have been treated differently because of your cancer experience. If you would like to speak with an attorney, social worker, or other advocate about your individual needs, contact one of the resources on pages 28 – 30.

HOW EMPLOYMENT DISCRIMINATION LAWS PROTECT CANCER SURVIVORS

Is it illegal for an employer to discriminate against me because I have or have had cancer?

Yes. Under federal law and many state laws, an employer cannot treat you differently from other workers in job-related activities because of your cancer history as long as you are qualified for the job. You may be protected by these laws only if:

- 1) you are qualified for the job (you have the necessary skills, experience and education) and you can do the essential duties of the job in question; and
- 2) your employer treated you differently from other workers in job-related activities because of your cancer treatment or history.

Which federal laws prohibit cancer-based job discrimination?

The Americans with Disabilities Act (also known as the “ADA”) and the Federal Rehabilitation Act prohibit some types of job discrimination by employers, employment agencies, and labor unions against people who have or have had cancer. Employees of state and local governments, federal agencies, and Congress are also covered.

Does every employer have to obey the Americans with Disabilities Act?

No. The Americans with Disabilities Act covers private employers with 15 or more employees, state and local governments, employment agencies, and labor unions.

Does every employer have to obey the Federal Rehabilitation Act?

No. The Federal Rehabilitation Act covers employers of any size that receive money, equipment, or contracts from the federal government.

These types of employers include schools, hospitals, defense contractors, and state and local governments. The military does not have to obey either the ADA or the Federal Rehabilitation Act, although retired military personnel and civilian employees of the Department of Defense are protected.

What if my employer has fewer than 15 employees and does not receive federal funds?

Every state has a law that regulates, to some extent, disability-based employment discrimination. Some laws clearly prohibit cancer-based discrimination, while others have never been applied to cancer-based discrimination. The majority of state laws cover small employers that are not covered by the ADA:

States with Laws Covering Small Employers

State	Minimum number of employees	State	Minimum number of employees
Alaska	1	New Hampshire	6
Arkansas	9	New Jersey	1
California	5	New Mexico	6
Colorado	2	New York	4
Connecticut	3	North Dakota	1
Hawaii	1	Ohio	4
Idaho	5	Oregon	6
Illinois	1	Pennsylvania	4
Iowa	4	Rhode island	4
Kansas	4	South Dakota	1
Kentucky	8	Tennessee	8
Maine	1	Vermont	1
Massachusetts	6	Virginia	1
Michigan	1	Washington	8
Minnesota	1	West Virginia	12
Missouri	6	Wisconsin	1
Montana	1	Wyoming	2

May a prospective employer ask me if I have ever had cancer?

In most cases, no. Under federal law and most state laws, an employer has the right to know only if you are able to do the job at the time you apply for it. A prospective employer may not ask you about your health history unless you have a visible disability and the employer could reasonably believe that it affects your current ability to perform that job. An employer may ask you detailed questions about your health only after you have been offered a job.

The ADA and many state laws prohibit discrimination based on genetic information relating to diseases such as cancer. For example, an employer may not ask you for the results of a genetic test or treat you differently because of your genetic history.

What if I need extra time or help to do my job?

Federal law and most state laws require an employer to provide you a “reasonable accommodation.” An “accommodation” is a change, such as in work hours or duties, to help you do your job during or after cancer treatment. Reasonable accommodations for cancer survivors may include:

- Time off to receive medical care
- Flexible work hours
- Change in job duties
- Telecommuting
- Physical changes to the workspace

An employer does not have to make changes that would be an “undue hardship” on the business or other workers. “Undue hardship” refers to any accommodation that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business. For example, if you have to miss a substantial amount of work time and your work cannot be performed by a temporary employee, your employer may be able to replace you. In most circumstances, an employer does not have to provide an accommodation that would violate an established seniority system.

The key to obtaining a reasonable accommodation is to ask your employer for a specific accommodation that would help you do your job. Employers provide most survivors the accommodations they request. (*Breakaway from Cancer*®, 2006). Once you ask your employer for a reasonable accommodation, both you and your employer must work together in good faith to explore effective potential accommodations.

Regardless of whether I consider myself disabled, if I am treated differently because of my cancer history, do federal and state laws cover me?

In most cases, yes. Federal law (the ADA) and most state employment discrimination laws protect cancer survivors who:

- Have a disability
 - For example, you currently have cancer

- Have a history of a disability
 - For example, your cancer is in remission or is cured
- Are regarded by others as having a disability
 - For example, your employer mistakenly believes that your cancer substantially limits your ability to perform a major life activity

A disability is an impairment that substantially limits your ability to do a major life activity as compared with the average person.

Major life activities covered by the ADA include:

- Normal cell growth
- Functions of the immune system
- Caring for oneself
- Sleeping
- Concentrating
- Communicating
- Seeing
- Hearing
- Breathing
- Walking
- Working

If your cancer is in remission, you have a disability if your cancer would have substantially limited a major life activity had it not been in remission.

Although most state laws cover cancer survivors from the time of diagnosis, some state laws do not cover survivors who are cancer-free because they protect only people with serious physical disabilities. Contact your state “civil rights,” “human rights” or “human relations council” to learn more about your state law. See page 26 for more information about how to locate your state agency.

Different state and federal laws define “disability” in a variety of ways. For example, you may have a “disability” under the ADA, yet not have a “disability” as defined by the Social Security Act. The application for or receipt of Social Security Disability Income benefits does not automatically bar an employee from making a claim under the ADA.

Whether you have a disability must be determined without regard to the effects of medication or prosthetic devices. For example:

- If you take medication that helps you do everyday activities, but you would be substantially limited without the medication, you are a person with a disability under the ADA.
- If you lost a limb to cancer and have full mobility only with the use of a prosthesis, you are a person with a disability under the ADA.

May an employer establish specific attendance and leave policies?

Yes. The Americans with Disabilities Act allows employers to establish attendance and leave policies that are uniformly applied to all employees, regardless of disability. Employers must grant leave to cancer survivors if other employees would be granted similar leave.

Employers may be required to change leave policies as a reasonable accommodation. Employers do not have to provide additional paid leave, but accommodations may include leave flexibility and unpaid leave.

May I take extra medical leave without risking my job?

In some cases, yes. The Family and Medical Leave Act requires private employers with 50 or more employees and all public employers to provide you time off from work to address “a serious health condition.” You may be entitled to leave to care for:

- Yourself
- A seriously ill child, parent, or spouse
- A healthy newborn or newly adopted child

An employee must have worked at least 25 hours per week for one year to be covered. The law allows companies to exempt their highest paid workers. Employees may enforce their rights by filing a lawsuit within two years of any alleged discrimination.

The Family and Medical Leave Act affects cancer survivors in the following ways:

- Provides 12 weeks of unpaid leave during any 12 month period
- Requires employers to continue to provide benefits—including health insurance—during the leave period
- Requires employers to restore employees to the same or equivalent position at the end of the leave period
- Allows leave because a serious health condition renders the employee “unable to perform the functions of the position”
- Allows intermittent or reduced work schedule when “medically necessary” (under some circumstances, an employer may transfer the employee to a position with equivalent pay and benefits to accommodate the new work schedule)
- Requires employees to make reasonable efforts to schedule foreseeable medical care so as to not unduly disrupt the workplace
- Requires employees to give employers 30 days notice of foreseeable medical leave or as much notice as is practicable
- Allows employers to require employees to provide certification of medical needs and allows employers to seek a second opinion (at employer’s expense) to corroborate medical need

- Permits employers to provide leave provisions more generous than those required by the Family and Medical Leave Act
- Allows employees to “stack” leave under the Family and Medical Leave Act with leave allowable under state medical leave law
- Requires employees to follow the employer's rules regarding when vacation leave can be used as family and medical leave

The District of Columbia and 11 states also have leave laws (California, Connecticut, Hawaii, Maine, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, Washington, Wisconsin).

May an employer discriminate against me because a family member has cancer?

No. The Americans with Disabilities Act prohibits discrimination based on relationship or association with a “disabled” person. Employers may not assume that your job performance would be affected by your need to care for a family member who has cancer. For example:

- Employers may not treat you differently because they assume that you would use excessive leave to care for your spouse who has cancer
- Employers who provide health insurance benefits to their employees for their dependents may not decrease benefits to

an employee solely because that employee has a dependent who has cancer

Most state laws, however, do not protect you if an employer treats you differently because a family member has cancer.

What types of job-related activities are covered by the law?

Federal law and most state laws prohibit discrimination in almost all job-related activities, including, but not limited to:

- Not hiring an applicant for a job or training program
- Firing a worker
- Providing unequal pay, working conditions, and benefits such as pension, vacation time, and health insurance
- Punishing an employee for filing a discrimination complaint
- Screening out disabled employees

May an employer discriminate against me by failing to provide health insurance?

No. Since HIPAA was enacted in 1996, it has been illegal for employer group health plans to discriminate against employees or dependents based on health status. That means group plans are not allowed to condition eligibility for coverage or what you have to pay toward coverage because you have cancer, a cancer history, or any other health status related reason. Today employers are not required to provide health insurance, but when they choose to provide health

insurance, they must do so fairly. For example, if your employer provides health insurance to all employees with jobs similar to yours, but does not provide you health insurance, then the employer's refusal may be considered a violation of federal law. Starting in 2014, protections will be even greater. Large employers (with more than 50 workers) will be required to offer health benefits or else pay a penalty. No such requirement applies to smaller firms. Workers who are not offered coverage by their employers will be able to purchase new health insurance in marketplaces called Exchanges. In Exchanges, workers can compare health insurance policies and apply for subsidies to make coverage more affordable. Insurers selling in the Exchange will be prohibited from discriminating against people based on cancer, cancer history, or other health status reasons. For information about your insurance rights and contact information for state insurance departments, see *What Cancer Survivors Need to Know about Health Insurance (2012)*, available from **NCCS** at **www.canceradvocacy.org**.

Every state has laws that regulate the insurance industry. For example, some states forbid insurance companies from considering your cancer history when issuing a new policy. Since 2010, citizens and legal residents in all states have been able to join a pre-existing condition insurance plan (PCIP), even if an employer legitimately denied coverage. People with a pre-existing condition must have been uninsured for at least six months. See **www.pcip.gov** for more information. Or contact your state insurance commissioner regarding your state law rights.

Additionally, if you have health insurance through a group plan at work, one federal law—ERISA—prohibits your employer from firing you to prevent you from collecting your benefits. For information about your insurance rights and contact information for state insurance departments, see *What Cancer Survivors Need to Know about Health Insurance (2012)*, available from **NCCS** at **www.canceradvocacy.org**.

Can an employer discriminate against me because of the results of a genetic test?

No. The Genetic Information Nondiscrimination Act (GINA) prohibits an employer, employment agency, labor organization, or training program from using genetic information to make decisions regarding hiring, promotion, terms or conditions, privileges of employment, compensation, or termination. GINA protects employees from discrimination based on the result of a genetic test and information about a family history of a disease. It does not, however, protect employees from discrimination because of a manifested disease or condition.

GINA covers the same employers that are covered under the ADA (those with at least 15 employees). An employee who has a genetic predisposition to a disease or condition may still qualify for family or medical leave and may participate in an employer-sponsored wellness program or other genetic services offered by an employer. The employment provisions of GINA do not interfere with an employee's right to protection under state genetic discrimination laws.

WHAT CAN I DO TO AVOID DISCRIMINATION?

Are lawsuits the only way to fight employment discrimination against cancer survivors?

No. State and federal anti-discrimination laws help cancer survivors in two ways. First, they discourage discrimination. Second, they offer remedies when discrimination does occur. These laws, however, should be used as a last resort because they can be costly, time consuming, and not necessarily result in a fair solution. The first step is to try to avoid discrimination. If that fails, the next step is to attempt a reasonable settlement with the employer. If informal efforts fail, however, a lawsuit may be the most effective response.

When seeking employment, what can I do to lessen the chance I will face discrimination because of my cancer history?

- **Do not volunteer that you have or have had cancer unless it directly affects your qualifications for the job.** An employer has the right—under accepted business practices and most state and federal laws—to know only if you can perform the essential duties of the job.
- **Do not lie on a job or insurance application.** If you are hired and your employer later learns that you lied, you may be fired for your dishonesty. Insurance companies may refuse to

pay benefits or cancel your coverage. Federal and state laws that prohibit employment discrimination do not guarantee that all employers will refrain from illegally asking survivors about their cancer histories or gaps in education or employment. If you are asked a question that you think is illegal, give an honest (and perhaps indirect) answer that emphasizes your current abilities to do the job.

- Keep in mind your legal rights. For example, under the Americans with Disabilities Act, an employer may not ask about your medical history, require you to take a medical examination, or request medical records from your doctor before making a conditional job offer. Once an employer has made a conditional job offer, the employer can require you to submit to a medical examination only if it is required of all other applicants for the job. The medical examination may consider only your ability to safely perform the essential duties of that job.
- Keep the focus on your current ability to do the job in question. Employers may not ask how often you were absent from past jobs, but they can ask if you can meet the employers' current attendance requirements. Employers may not ask if you have or ever had cancer. If you are asked a question that may be illegal or inappropriate, two potential answers are:
 - "I am presently fit to perform the duties of the job for which I am applying."

- “I currently have no medical condition that would interfere with my ability to perform the duties of the job for which I am applying.”
- Apply only for jobs that you are able to do. It is not illegal for an employer to reject you for a job if you are not qualified for it, regardless of your medical history.
- If you have to explain a long period of unemployment during cancer treatment, if possible, explain it in a way that shows your illness is past, and that you are in good health and are expected to remain healthy. One way to de-emphasize a gap in your school or work history because of cancer treatment is to organize your resume by experience and skills, instead of by date.
- Offer your employer a letter from your doctor that explains your current health status, prognosis and ability to work. Be prepared to educate the interviewer about your cancer and why cancer often does not result in death or disability.
- Seek help from a job counselor with resume preparation and job interviewing skills. Practice answers to expected questions such as “why did you miss a year of work?” or “why did you leave your last job?” Answers to these questions must be honest, but should stress your current qualifications for the job and not past problems, if any, resulting from your cancer experience.

- If you are interviewing for a job, do not ask about health insurance until after you have been given a job offer. Then ask to see the “benefits package.” Prior to accepting the job, review it to make sure it meets your needs. For more information on how to choose an insurance plan, see *What Cancer Survivors Need to Know about Health Insurance* (2012), available from NCCS at www.canceradvocacy.org.
- If possible, look for jobs with large employers because they are less likely than small employers to discriminate.
- Do not discriminate against yourself by assuming you have a disability. Although cancer treatment leaves some survivors with real physical or mental disabilities, many survivors are capable of performing the same duties and activities as they did prior to diagnosis. With the help of your medical team, make an honest assessment of your abilities compared with the mental and physical demands of the job.

WHAT CAN I DO TO ENFORCE MY LEGAL RIGHTS?

What alternatives do I have to taking legal action?

If you suspect that you are being treated differently at work because of your cancer history, consider an informal solution before filing a lawsuit. Lawsuits can be lengthy and expensive; they do not guarantee a fair outcome.

If you face discrimination, consider the following suggestions:

- Consider using your employer’s policies and procedures for resolving employment issues informally. All state and local governments are required to have a grievance procedure and designated compliance officer for civil rights violations of employees with disabilities.
- Tell your employer that you are aware of your legal rights and would rather resolve the issues openly and honestly rather than file a lawsuit. Be careful of what you say during discussions so that something you say will not be used to hurt your claim should your discussions fail to resolve the problem.

An example of an informal solution is:

- You need to receive chemotherapy one day a week. Your doctor has agreed to give you Friday afternoon appointments. You inform your boss who says, “I’m sorry, but I’ll have to let you go because your job demands that you work at least forty hours per week.”
- One way to respond is, “My doctor and I believe I am able to continue working. Because I can stay at work until 1:00 p.m. on Fridays, I would be pleased to work an extra hour or two Monday through Thursdays to make up the missed time. My doctor anticipates that I will need chemotherapy only

for ____ weeks, so I should be back to my regular schedule by _____. I understand that the state human rights law protects my right to work if I am able to continue to perform my job despite my illness.”

- If you need some kind of accommodation to help you work, such as flexible working hours to accommodate doctor’s appointments, suggest several alternatives to your employer. If your employer offers you accommodations, do not turn them down lightly. Such an offer may help the employer’s position if the case ends up before a court. For more information on accommodations, contact the Job Accommodation Network, a free service of the President’s Committee on Employment of People with Disabilities, which helps employers fashion accommodations for disabled employees.

Job Accommodation Network

(800) 526-7234

www.askjan.org

- Educate employers and co-workers who might believe that people cannot survive cancer and remain productive workers. For example, you could give your employer a letter from your doctor explaining the type of cancer you have or had, and why you are able to work. More than 12,000,000 Americans are cancer survivors, so some of your co-workers likely have had cancer and are now valued employees.

- Ask a member of your health care team, such as a social worker, to write or call your employer to offer to mediate the conflict and suggest ways for your employer to accommodate you.
- Consider seeking support from your co-workers. They have an interest in protecting themselves from future discrimination.

What should I do to protect my right to sue, if informal solutions fail?

Keep carefully written records of all job actions, both good and bad. Good actions, such as positive performance evaluations, may help in a lawsuit to show that you were qualified for the job. Bad actions, such as being moved from a job that has much public interaction to a job that has little interaction with the public after you have had a mastectomy, may be used against your employer to show illegal acts. Keep complete notes of telephone calls and meetings (including dates, times and attendees), letters, and the names and addresses of witnesses. Make written notes as events occur instead of trying to recall the events weeks or months later.

Carefully evaluate your goals. For example, do you want your job back, a change in working conditions, certain benefits, a written apology, or something else? Consider the positive and negative aspects of a lawsuit. Potential positive aspects include:

- Getting a job and monetary damages
- Protecting your rights
- Tearing down barriers for other survivors

Potential negative aspects include:

- Long court battles with no guarantee of a fair outcome
- Legal fees and expenses
- Stress
- A hostile relationship between you and the people you sue

Consider an informal settlement of your complaint. Someone such as a union representative, human resources or personnel officer of your company, or social worker may be able to assist as a mediator. Your state or federal representative or local media may help persuade your employer to treat you fairly. Keep in mind that the first step most government agencies and companies take when they receive a complaint is to try to resolve the dispute without a costly trial.

Be aware of filing deadlines so you do not lose your option to file a complaint under state or federal law.

- You have 180 days from the date of the action against you to file a complaint with the United States Equal Employment Opportunity Commission.
- If you work for the federal government, you have only 45 days to begin counseling with an equal employment opportunity counselor.

- Under most state laws, you have 180 days to file a complaint with the state agency. If you file a lawsuit and later change your mind, you can drop it at any time.

If an informal solution does not work, how else can I enforce my rights?

Under the Americans with Disabilities Act

If you believe you have been treated differently by an employer covered by the Americans with Disabilities Act because of your cancer history, you must file a complaint with the Equal Employment Opportunity Commission (EEOC) to enforce your rights. The EEOC will attempt to settle the dispute. If no settlement is reached, the EEOC may appoint an investigator to evaluate your claim. If the EEOC determines that your rights may have been violated, the EEOC may sue on your behalf or may grant you the right to file your own lawsuit in federal court. Contact the EEOC at:

- **(800) 669-4000** to find your local **EEOC** office
- **(800) 669-EEOC** for more information about the ADA
- **www.eeoc.gov**

If you can prove that you are qualified for a job but were treated differently because of your cancer history, you may be entitled to:

- Back pay and benefits
- Injunctive relief such as reinstatement
- Monetary damages and attorney's fees

The Americans with Disabilities Act allows an award for compensatory or punitive damages up to \$300,000 for intentional discrimination. Intentional discrimination, however, is difficult to prove and these damages are not available against state or local governments or against a private employer who made a “good faith” effort to accommodate you.

Under the Federal Rehabilitation Act

You have up to 180 days from the action against you to file a complaint with the federal government. If you work for the federal government, you have only 30 days. You must file a complaint with the federal agency that provided federal funds to your employer. Remedies under the Federal Rehabilitation Act include, but are not limited to, back pay, reinstatement, and attorney’s fees, but do not include punitive damages. For more information, contact:

If your employer receives federal contracts:

United States Department of Labor
Office of Federal Compliance Program
(800) 397-6251
www.dol.gov/ofccp

If your employer receives federal financial assistance:

United States Department of Justice
Civil Rights Division, Disability Rights Section
(800) 514-0301
www.justice.gov/crt/about/drs

Under the Family and Medical Leave Act

You may choose between filing a lawsuit in court or filing a complaint with:

**United States Department of Labor
Employment Standards Administration, Wage and Hour
(866) 487-9243
www.dol.gov/whd/**

Under state law

Most states have a state agency that enforces the state fair employment practices law. Some states permit you to file a lawsuit in state court to enforce your rights. Under most state laws, you have up to 180 days from the action against you to file a complaint with your state enforcement agency.

For more information about the laws in your state, contact your state division on civil rights or human rights commission, or an attorney who is experienced in job discrimination cases.

The **EEOC Public Information System** at **(800) 669-4000** can help you locate the appropriate state enforcement agency.

If I have rights under both state and federal law, how do I know which law will provide the best remedy?

In some situations, a single act may support a claim of discrimination under more than one law. For example, a cancer survivor who is denied a job by an employer in New York City may have a claim under the New York Human Rights Law (state), the New York City Law on Human Rights (city), and the Americans with Disabilities Act (federal).

If you have a choice of remedies, you may file a complaint with each relevant enforcement agency. One agency may “stay” (not act on) your claim until another agency issues a decision. You may always drop a complaint at any time once you determine which agency is most responsive to your claim. Factors to consider when choosing a resource include:

- The types of remedies available
- How quickly the agency responds to complaints (ask them how long the process usually takes)
- Which office is most convenient to you

If I decide I would like a lawyer or other professional to help me, how can I find one?

American Cancer Society

Local offices have patient advocates who can help locate legal aid offices and other resources.

(800) 227-2345

www.cancer.org

Cancer and Careers

Provides free publications, career coaching, and a series of support groups and educational seminars for employees with cancer and their healthcare providers and coworkers.

www.cancerandcareers.org

CancerCare

Provides assistance by oncology social workers, including answers to questions about employment rights and assistance locating legal resources.

(212) 712-8080 or (800) 813-4673

www.cancercare.org

Cancer Legal Resource Center

Provides information and education on cancer-related legal issues, including health insurance, employment, government benefits, estate planning, advance health care directives, family law, and financial assistance. The Cancer Legal Resource Center (CLRC) is

a community-based joint program of the Disability Rights Legal Center and Loyola Law School (California).

(866) 843-2572

www.disabilityrightslegalcenter.org/about/cancerlegalresource.cfm

The Childhood Brain Tumor Foundation

Facilitates problem solving for families, patients, and adult survivors. Services include analysis of cases involving access and discrimination issues in health care, insurance, employment, and education by Ombudsmen volunteers from medicine, genetics, rehabilitation, ethics, education, psychology, social work, and the law.

(877) 217-4166

www.childhoodbraintumor.org

National Cancer Legal Services Network

Provides a searchable database of organizations that provide legal services to cancer survivors. The National Cancer Legal Services Network (NCLSN) is a coalition of attorneys, legal service programs, cancer support organizations, and health care providers.

www.nclsn.org

National Coalition for Cancer Survivorship

Provides publications, answers to questions about employment rights, and assistance locating legal resources.

(877) 622-7937 or (301) 650-9127

www.canceradvocacy.org

Patient Advocate Foundation

Provides patients with arbitration, mediation and negotiation to settle issues with access to care, medical debt, and job retention related to their illness.

(800) 532-5274

www.patientadvocate.org

I tried to enforce my legal rights, but did not get a satisfactory result.

Now what?

Even if your legal rights were violated, a public agency or court may not provide you a fair remedy. A trained job counselor, social worker, nurse, or member of the clergy may help you deal with the personal issues that result from employment discrimination due to your cancer history.

PUBLICATIONS AND RESOURCES ON EMPLOYMENT RIGHTS AND OTHER SURVIVORSHIP ISSUES

A Cancer Survivor's Almanac: Charting Your Journey, edited by Barbara Hoffman, J.D., John Wiley & Sons (Hoboken, NJ). 2004 Edition. Available on Amazon and at Barnes & Noble.

Cancer Survival Toolbox® - an audio program that uses patient stories to teach self-advocacy skills to meet the challenges of a cancer diagnosis. The resource includes sections on financial issues, as well as others on communicating, problem-solving, decision-making and more. The program was developed by NCCS in collaboration with the Oncology Nursing Society, the Association of Oncology Social Work and the National Association of Social Workers and is available at no cost in English and Spanish from NCCS.

Facing Forward Series: Life After Cancer Treatment, (No. 10-2424) and **Ways You Can Make A Difference in Cancer** (No. 10-5088) by the National Cancer Institute (content assistance from NCCS), (2010). Available from Cancer Information Service at 1-800-422-6237; www.cancer.gov.

Journey Forward® - a software tool that enables oncologists to create a treatment summary and a survivorship care plan to be shared with patients, primary care physicians and other healthcare providers as guidance for post-treatment care. This tool also includes a Medical History Builder for patients to create and maintain an electronic record of their medical history in one place. Available at no cost at www.journeyforward.org

Pocket Cancer Care Guide - a smart phone application that allows users to make effective use of their time with providers by helping create a personalized list of questions to ask, link the list to an appointment, and record the conversation for playback at a convenient time. Available at no cost from iTunes and from NCCS.

Self-Advocacy: A Cancer Survivor's Handbook, Published by the National Coalition for Cancer Survivorship. Second Edition (2009). Available from NCCS in English.

Teamwork: The Cancer Patient's Guide to Talking with Your Doctor, by Elizabeth J. Clark, Ph.D., Editor. Published by the National Coalition for Cancer Survivorship. Fifth Edition (2011). Available from NCCS in English and Spanish.

What Cancer Survivors Need to Know About Health Insurance, with contributions from Kim Calder, MPS, Karen Davenport, MPA, Mary-Beth Harty, JD, MPH, Katie Horton, RN, MPH, JD, Kevin Lucia, MHP, JD, Karen Pollitz, MPP, Naomi Seiler, JD, and NCCS staff. Seventh Edition (2012). Available from NCCS in English.

You Have the Right to Be Hopeful, by Elizabeth J. Clark, Ph.D. Published by the National Coalition for Cancer Survivorship. In English, Fourth Edition (2008) and in Spanish, Second Edition (2005). Available from NCCS.

**All NCCS resources can be ordered
by calling 877.622.7937 or 301.650.9127
or visiting www.canceradvocacy.org.**

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