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Americans With Disabilities Act: Information for People Facing Cancer

The Americans with Disabilities Act of 1990 (ADA) is a law that helps protect the civil rights of people with disabilities. It can help people with disabilities have equal opportunities in:

- Work
- Access to places that are open to the public
- Transportation
- State and local government services
- Voice, data, and video communication

Disclaimer: The American Cancer Society does not offer legal advice. This information is intended to provide general background in this area of the law.

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How can the ADA help people with cancer?

- Reading
- Concentrating
- Thinking
- Communicating
- Working

Does the ADA consider cancer a disability ?

Cancer can often be considered a disability because of the changes caused by cancer and cancer treatment. These changes may involve the immune system, cell growth, digestive, bowel, bladder, brain and nervous system, respiratory, circulatory, endocrine, and reproductive systems. These changes can affect physical and mental wellness.

The ADA can help protect you when cancer prevents or makes it very hard for you to do everyday tasks. Some tasks that may be affected include household chores, bathing, and brushing your teeth. The ADA protects you if you currently have cancer or have had it in the past, even if you are doing well now.

People who have or have had cancer can also face job discrimination. The ADA can help people who face discrimination from current or potential employers.

How the ADA affects jobs

Does the ADA apply to my employer?

The law applies to employers with 15 or more employees:

- Private employers
- State and local governments
- Employment agencies
- Labor organizations
- Labor management committees

US (federal) government employees are not covered under the ADA. But they are protected by a different law. You can learn more about protections for federal employees on the [EEOC website](#)³.

Here are a couple of key points about how the ADA applies to you at work.

- The ADA must apply to your employer as noted in the section above. You must also be qualified for and able to perform the essential functions of the job.
- Although the ADA defines the term **disability**, it does not include a list of conditions that are always covered as disabilities. Each case must be reviewed to see if the person meets the criteria..
- An employer may not discriminate against you because you used to be sick.
- An employer may not discriminate against you if they think you are sick, when you are not sick. This includes people who had cancer in the past.

Which employment practices does the ADA cover?

If you have a disability and are qualified for a job, the ADA does not allow most employers to discriminate in:

- Recruiting and advertising for job openings
- Job application and hiring
- Training
- Job assignments
- Tenure
- Promotions
- Pay
- Benefits
- Leave
- Firing
- Lay off
- All other employment-related activities, terms, conditions, and privileges

An employer cannot take action against you because you ask for your rights under the ADA. You are also protected if you are discriminated against because of family, business, social, or other type of relationship with a person who has a disability. For instance, this means an employer cannot discriminate against you because your spouse or child has cancer.

Still, your job is not completely protected. You can still be laid off or fired for legitimate business reasons. For instance, you would not be protected during downsizing.

What does the ADA consider essential job functions?

If you have a disability, you must be able to perform the required functions of a job to be protected. If you are not able to perform these duties, an employer can refuse to hire you.

And you must meet the job requirements such as education, experience, skills, or licenses. Employers do not have to lower their job standards for someone with a disability.

You also must be able to perform the required job functions of the on your own or with reasonable accommodation.

What is reasonable accommodation?

Reasonable accommodations are ways employers make adjustments to a job to allow an employee with a disability to perform required job functions. This can happen before a person is hired or after they are in a job.

Examples of reasonable accommodations may include:

- Providing equipment or devices, or adapting them so the person with a disability can use them
- Changing how a job is done
- Changing work schedules
- Giving the employee a different job they can do
- Revising tests, training materials, or policies
- Providing electronic readers and/or interpreters
- Making the workplace easy to get into and use

An employer must accommodate a qualified applicant or employee with a disability unless the employer can show that making the accommodation would be very hard or expensive.

What are employers not allowed to ask people with disabilities who are applying for a job?

When you apply for a job, employers are not allowed to ask:

- If you are disabled.
- The type of your disability or how severe your disability is

- If you have or have ever had cancer or other past illnesses.
- What medicines you take

They can ask you about your ability to perform certain job tasks. An employer can ask you to describe or show them how, with or without reasonable accommodation, you will do the job.

If you are required to have a medical exam as part of a job application, an employer cannot reject you because of information a medical exam reveals unless the reasons for rejection are related to the job and necessary to conduct the employer's business. The results of all medical exams must be kept confidential. Medical files must be kept separate from work or personnel files.

Should I tell my employer I have a disability?

You are not required to tell an employer that you have or had cancer or another disability when you apply for a job. But employers only have to provide reasonable accommodation if they know about a disability. And you are the person who must tell the employer that an accommodation is needed.

Does my employer have to provide any accommodation I request?

No. There are some options built into the reasonable accommodation requirement under the ADA. For example, employers do not have to:

- Provide the specific accommodation requested if there is an option that works better for the employer.
- Have to provide accommodations that would be hard or too expensive to put in place.
- Provide personal-use items that are needed for daily activities both on and off the job (such as glasses or hearing aids).
- Make an accommodation for a person who doesn't have the skills needed for the job.
- Remove required job functions, create new jobs, or lower standards to accommodate a disabled employee.

What should I do if I think I'm being discriminated against in a work

situation because of my disability?

If you think you have been discriminated against at work because of a disability, you can file a complaint with an [Equal Employment Opportunity Commission \(EEOC\)](#)⁴ field office located in certain cities throughout the United States. If you work for a state or local government, the process is the same as for a private employer. You can contact the EEOC at 1-800-669-4000.

[Search for resources](#)⁵

Find free or low-cost resources from ACS and other organizations.

Hyperlinks

1. www.cancer.org/cancer/survivorship/be-healthy-after-treatment/returning-to-work-after-cancer-treatment.html
2. www.cancer.org/cancer/survivorship/coping/working-during-cancer-treatment.html
3. www.eeoc.gov/federal/index.cfm
4. www.eeoc.gov
5. www.cancer.org/support-programs-and-services/resource-search.html
6. www.askjan.org/
7. www.eeoc.gov/
8. www.ada.gov/
9. www.fcc.gov
10. fcc.gov
11. www.asha.org
12. www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/civil-rightsada
13. www.nadtc.org
14. www.access-board.gov/
15. www.eeoc.gov/laws/guidance/cancer-workplace-and-ada

Additional resources

Along with the American Cancer Society, other sources of information and support are listed here. Some have more specific information about ADA requirements affecting employment.

Job Accommodation Network Toll-free number: 1-800-526-7234 TTY: 1-877-781-9403 Website: www.askjan.org⁶

This is a free consulting service of the US Department of Labor that gives information on the ADA, your rights, how to talk to an employer, and how to ask for accommodations.

US Equal Employment Opportunity Commission (EEOC) Toll-free number: 1-800-669-4000 TTY: 1-800-669-6820 Website: www.eeoc.gov⁷

Tells you how to find EEOC offices in your area and how to file charges of workplace discrimination; has information on federal equal employment opportunity regulations, practices, and policies; offers publications such as *Questions and Answers About Cancer in the Workplace and the Americans with Disabilities Act (ADA)*, which has special information for people with cancer. It's on the EEOC website at <http://www.eeoc.gov/laws/types/cancer.cfm>

Americans with Disabilities Act Technical Assistance – US Department of Justice Toll-free number: 1-800-514-0301 TTY: 1-800-514-0383 Website: www.ada.gov⁸

Specialists answer questions about the ADA and the programs, services, and activities of employers as well as state and local governments. The website has a list of free booklets and publications you can order or read online, many of which are available in other languages.

For more specific information about accessibility and transportation services for people with disabilities

Federal Communications Commission Toll-free number: 1-888-225-5322 TTY: 1-888-835-5322 Website : www.fcc.gov⁹¹⁰

For TRS (Telecommunications Relay Services, which allow people with hearing or speech disabilities to place and receive phone calls) questions and fact sheets; also www.fcc.gov

For problems with public transportation only; to get information or file a complaint

National Aging and Disability Transportation Center Toll-free number: 1-800-659-6428 TTY: 202-347-7385 Website: www.nadtc.org¹³

Has information about services to improve access to transportation for older adults, people with disabilities and caregivers.s

United States Access Board Toll-free number: 1-800-872-2253 TTY: 1-800-993-2822 Website: www.access-board.gov¹⁴

Has specific information on accessibility requirements for people with disabilities. The Board develops and maintains design criteria for the built environment, transit vehicles, telecommunications equipment, and for electronic and information technology

**Inclusion on this list does not imply endorsement by the American Cancer Society.*

References

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Equal Employment Opportunity Commission (EEOC).Cancer in the Workplace and the ADA. Eeoc.gov. Accessed from ¹⁵<https://www.eeoc.gov/laws/guidance/cancer-workplace-and-ada> on September 15, 2023.

Equal Employment Opportunity Commission (EEOC).Facts about the Americans with Disabilities Act.Eeoc.org. Accessed athttps://www.eeoc.gov/sites/default/files/migrated_files/facts/fs-ada.pdf on September 21, 2023.

US Department of Justice: Civil Rights Division.A Guide to Disability Rights Laws. Ada.gov. Accessed at www.ada.gov/cguide.htm on September 21, 2023.

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