

Understanding Survivorship: The Workplace

An individual is considered a cancer survivor from the time of diagnosis throughout treatment and the remaining years of life.

There are an increasing number of lymphoma survivors each year. Current data show 88 percent of patients with Hodgkin lymphoma (HL) and 73 percent of patients with non-Hodgkin lymphoma (NHL) are still alive five years following their diagnosis. Better diagnostic tools and more effective treatments are associated with improved survival rates; however, the challenge now facing many survivors is how to achieve long-term quality of life after treatment has ended.

While your history with lymphoma may make it challenging to re-enter or adjust to the job market, employment laws prevent employers from treating you differently based on your diagnosis. You can protect yourself from discrimination in the workplace by knowing your legal rights. Below are some of the top concerns lymphoma survivors may have about the return to their workplace and a summary of employment discrimination laws.



KNOWING YOUR LEGAL RIGHTS AT THE WORKPLACE

Work can help survivors fulfill financial and social needs and provide a sense of getting back to normal. However, your history with lymphoma may make it difficult to re-enter the job market. Survivors have reported dismissal, failure to be hired, demotion, denial of promotion or benefits, undesirable transfer, and hostility by co-workers. You can protect yourself from employment discrimination by learning about your rights in the workplace. In general, you are not required to disclose your lymphoma diagnosis to an employer or potential employer. While there are some instances where you may have to provide some medical information (see below), you choose when and how much you want to disclose. If you are qualified for the job, employment discrimination laws prevent an employer from treating you differently based on your history with lymphoma.

THE AMERICANS WITH DISABILITIES ACT (ADA)

Eligible individuals with disabilities are protected under the ADA in all stages of employment (application and interview, job offer, and on the job). Title I of the ADA prohibits discrimination against individuals with disabilities and caregivers in the workplace and applies to private employers with 15 or more employees and all state and local governments. Federal employees have similar protections under the Rehabilitation Act of 1973.

To be covered by the ADA, an employee must:

- Be qualified for the job: able to perform essential functions with or without reasonable accommodations.
- Have a disability: physical or mental condition that substantially limits one or more major life activities (activities that an average person can perform with little or no difficulty). These can be physical (breathing, hearing, seeing, talking, walking, other motor movements), mental (concentrating and learning) and social/professional functions (working or caring for oneself).

Under the ADA:

- An employer cannot ask you about existence, nature, or severity of cancer and you do not have to disclose that information prior to receiving a job offer.
- An employer may make medical inquiries, require exams and ask cancer-related questions after a job is offered as long as this applies to all persons in the same job category. At this stage and if asked, you must provide that information.
- Eligible employees can request reasonable accommodations like a flexible work schedule to attend medical appointments/treatment or a change in job tasks. To request these adjustments under the ADA, you need to disclose some medical information to your supervisor or human resources department. Your employer can ask for medical documentation from a health care provider to confirm the need for an accommodation. However, your employer does not necessarily need to know about your cancer diagnosis if you are not willing to share that information.

Each state has laws to regulate employment discrimination, some of which clearly prohibit work discrimination based on a medical history of cancer. It is important to be familiar with your state laws on this matter. Check with your state's employment agency for more information or visit [triagecancer.org/employment-state-laws](https://www.triagecancer.org/employment-state-laws).

To learn more about the ADA, consult the Job Accommodation Network (call **800-526-7234** or visit askjan.org) and the Equal Employment Opportunity Commission (call **800-669-4000** or visit [eeoc.gov](https://www.eeoc.gov)).

FAMILY AND MEDICAL LEAVE ACT (FMLA)

The FMLA entitles eligible employees to take an unpaid, job-protected leave for a serious health condition and applies to private employers with 50 or more employees and all state, local, and federal government. This leave applies if you have a serious health condition and are unable to perform the essential functions of your job or have to be absent from work to receive medical treatment. While on FMLA leave, the employer continues to provide you with health insurance. To be protected under the FMLA, you must have:

- Worked for a covered employer for at least 12 months.
- Worked at least 1250 hours in the 12 months preceding the leave.
- Worked at a location where the employer has at least 50 employees within 75 miles.

If eligible, you are entitled to 12 workweeks of leave in a 12-month period. You must request leave 30 days in advance if foreseeable, or notify your employer as soon as possible otherwise.

To learn more about the FMLA, contact the Wage and Hour Division office nearest you (visit dol.gov/agencies/whd) or visit the FMLA website (dol.gov/agencies/whd/fmla).

COBRA

COBRA gives workers who lose their health benefits the right to keep employer insurance for limited periods of time after voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. This law applies to private employers with 20 or more employees in the prior year, and state and local governments. Federal employees also have access to similar protections under another law.

Under COBRA, you and your dependents may keep insurance coverage for up to 18 months if:

- Your employer's health insurance plan is covered by COBRA.
- Your employment ended for reasons other than for gross misconduct.
- Your working hours are reduced.

Many states have passed State Health Care Continuation Laws ("Mini-COBRA" laws) that give similar benefits. Depending on the state, these laws may extend COBRA insurance for longer than 18 months and apply to an employer with less than 20 employees. Visit [triagecancer.org/health-insurance-state-laws#hioptions](https://www.triagecancer.org/health-insurance-state-laws#hioptions) to find out if your state has a Mini-COBRA continuation law and if you are eligible.

To learn more about COBRA, visit the US Department of Labor website ([dol.gov](https://www.dol.gov)).

DISABILITY INSURANCE

If you are unable to work due to your medical condition, disability insurance may be an option to maintain income. Disability insurance is available from the federal/state government or through private insurance companies.

Federal programs include Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). These programs apply to people whose disability has lasted (or is expected to last) for at least one year or will result in death, are unable to do their jobs and cannot adjust to a new job. The SSDI program pays benefits to you and certain family members if you worked long enough (and recently enough) and paid Social Security taxes on your earnings. The SSI program applies to adults and children with disabilities who have limited income and resources. For more information on federal disability programs consult the Social Security Administration (call **800-772-1213** or [ssa.gov](https://www.ssa.gov)).

Short-term state disability insurance (6-12 months) is offered in some states (California, Hawaii, New Jersey, New York and Rhode Island) and the territory of Puerto Rico. Depending on the state program, you may be able to benefit from state and federal insurance. More information is available below:

- California: call **(800) 480-3287** or visit edd.ca.gov
- Hawaii: call **(808) 586-9188** or visit labor.hawaii.gov/dcd/home/about-tdi
- New Jersey: call **(609) 292-7060** or visit nj.gov/labor
- New York: call **(800) 353-3092** or visit wcb.ny.gov
- Puerto Rico: call **(787) 754-5353** or visit trabajo.pr.gov
- Rhode Island: call **(401) 462-8420** or visit dlt.ri.gov/tdi



LRF'S HELPLINE AND LYMPHOMA SUPPORT NETWORK

A lymphoma diagnosis often triggers a range of feelings and concerns. In addition, cancer treatment can cause physical discomfort. The LRF Helpline staff members are available to answer your general questions about a lymphoma diagnosis and treatment information, as well as provide individual support and referrals to you and your loved ones. Callers may request the services of a language interpreter. A part of the Helpline is LRF's one-to-one peer support programs, *Lymphoma Support Network*. This program connects survivors, patients and caregivers with volunteers who have experience with lymphomas, similar treatments, or challenges, for mutual emotional support and encouragement. You may find this useful whether you or a loved one is newly diagnosed, in treatment, or in remission.



MOBILE APP

Focus On Lymphoma is the first mobile application (app) that provides patients and caregivers comprehensive content based on their lymphoma subtype and tools to help manage their lymphoma such as, keep track of medications and blood work, track symptoms, and document treatment side effects. The *Focus On Lymphoma* mobile app is available for download for iOS and Android devices in the Apple App Store and Google Play. For additional information on the mobile app, visit FocusOnLymphoma.org. To learn more about any of these resources, visit our website at lymphoma.org, or contact the LRF Helpline at **800-500-9976** or helpline@lymphoma.org.

Resources

LRF offers a wide range of free resources that address treatment options, the latest research advances, and ways to cope with all aspects of lymphoma and CLL/SLL including our award-winning mobile app. LRF also provides many educational activities, including our in-person meetings, podcasts, webinars for people with lymphoma, as well as patient guides and e-Updates that provide the latest disease-specific news and treatment options. To learn more about any of these resources, visit our website at www.lymphoma.org, or contact the LRF Helpline at **(800) 500-9976** or helpline@lymphoma.org.

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Supported through grants from:    

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Last updated 2022

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