

FOR  
**HEALTHCARE  
PROFESSIONALS:**

A GUIDE  
TO HELPING  
PATIENTS MANAGE  
**CANCER  
& WORK**

2ND EDITION

**cancerandcareers**

# ACKNOWLEDGMENTS

The Healthcare Professionals Educational Series and Guide were made possible through a generous grant from the Avon Foundation.

A V O N  
**Foundation**  
for **Women**

Cancer and Careers would also like to thank Kathleen Doheny; Kathleen Flora; Robin Hershkowitz, LCSW; Lisa A. Jones; Joanna L. Morales, Esq.; Laura Mosiello, LCSW-R; Rebecca V. Nellis; Ruth Oratz, M.D., FACP; and Kate Sweeney for lending their expertise to the content of this program and publication; and Jenny Brillhart Page for designing all the materials.

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# I. INTRODUCTION

Healthcare professionals are uniquely positioned to help patients navigate between cancer and work. You are the most visible—and, given the proper resources, the best equipped—source to provide the essential information patients need to continue working during and/or after treatment.

The goal of this manual: *For Healthcare Professionals: A Guide to Helping Patients Manage Cancer & Work, 2nd Edition* is to give you the direction and tools you need to answer questions, provide resources for referrals and support your patients who work.

The guide consists of three sections that parallel those presented in our multi-part Educational Series for Healthcare Professionals, made possible by a generous grant from the Avon Foundation. The sessions are archived and available for listening and viewing at [www.cancerandcareers.org](http://www.cancerandcareers.org). The website also provides a wealth of additional information and resources for you, your patients and their employers. Highlights include individual career coaching, patient checklists and work-books—all free of charge.

This updated guide focuses on the most common concerns a person working through cancer faces, including:

- How to Balance Cancer and Employment (pages 6-17)
- Legal and Insurance Matters (pages 18-25)
- Re-entering the Workforce after Short and Long Absences (pages 26-31)

*This material is designed to provide general information on the topics presented. It is provided with the understanding that Cancer and Careers is not engaged in rendering any legal or professional services by its publication or distribution. Although this material was reviewed by a professional, it should not be used as a substitute for professional services. Resources and referrals are provided solely for information and convenience.*

# CANCER AND CAREERS

IS DEDICATED TO EMPOWERING AND EDUCATING PEOPLE WITH CANCER TO THRIVE IN THEIR WORKPLACE.

## EDUCATION

### NATIONAL CONFERENCE ON WORK AND CANCER

- Addressing the complexities of balancing cancer treatment and recovery with employment, the conference features experts discussing legal issues, health insurance, career counseling, and more.

### COMMUNITY EVENTS

- Local events and speaking engagements addressing the unique challenges of cancer in the workplace. In addition, Cancer and Careers offers a downloadable seminar-in-a-box tool kit for cancer centers and support organizations to hold their own events.

### EDUCATIONAL SERIES FOR HEALTHCARE PROFESSIONALS

- A multi-part series, accessible via a webinar/teleconference, and archived on [cancerandcareers.org](http://cancerandcareers.org) for replay anytime. The seminars provide concise, targeted information on combining work and cancer treatment so healthcare providers can effectively inform their patients. Includes a printed companion guide.

## SUPPORT

### SUPPORT GROUPS

- Monthly New York City-based support groups for people working during or after treatment.

### ASK THE EXPERTS: LEGAL AND CAREER ADVICE

- A series of teleconferences for people with cancer dealing with issues across the work continuum. A chance to get personalized advice from a career coach or legal expert.

### ONLINE CAREER COACHING CENTER

- Offers survivors free access to professional coaches who address individual questions on how to manage their careers during and after treatment, as well as articles on universal professional development issues that affect employees with cancer.

## INFORMATION

### CANCERANDCAREERS.ORG & [ESPAÑOL.CANCERANDCAREERS.ORG](http://ESPAÑOL.CANCERANDCAREERS.ORG)

- An interactive website with articles, downloadable tools, charts and checklists covering everything from telling your boss, to scheduling treatments, and knowing your legal rights.

### FREE PUBLICATIONS

- Cancer and Careers' growing library of materials includes English and Spanish versions of the Living and Working with Cancer Workbook, the Most Important Resources for Working People with Cancer, the Survival Guide to Living with Cancer as a Chronic Disease, and the On The Go Guide Series. Publications are distributed FREE to individuals, support groups, hospitals and cancer organizations nationwide.

# II. HOW TO **BALANCE CANCER AND EMPLOYMENT:**

## PRACTICAL ADVICE AND TOOLS

In the days and weeks following their cancer diagnosis, your patients will need your help to navigate a host of issues and questions about their work and future careers, as well as their relationships with supervisors and co-workers. This section will provide tools and information that will help you guide your patients through:

- Communicating with the Healthcare Team
- Talking about Work-Friendly Treatment Options
- Managing Side Effects of Treatment
  - Pain
  - Fatigue
  - Nausea and Vomiting
  - “Chemo Brain”
  - Hair Loss
- Sharing their Diagnosis at Work
  - To tell or not to tell
  - What to tell
  - Who to tell
- Preparing for Changes in Appearance
- Deciding Whether to Work or Take Time Off
- Creating a Workable Schedule
- Modifying the Work Environment
- Getting Back to “Normal”
- Resources

# COMMUNICATING

## with the Healthcare Team

Remind your patients that good communication with their entire healthcare team improves health outcomes, as much research now shows. Suggest that your patients:

- Discuss concerns related to returning to work openly and honestly.
- Report treatment side effects, especially those that will have impact on their work ability.
- Tell the healthcare team what they do for a living, what hours are normally required and the pressures of the job.
- Discuss with the team their priorities about returning to work, specifically their re-entry plan, and explain why it's so important to them.
- Work out a treatment plan with the healthcare team taking all of these factors into account.

## Talking about **WORK-FRIENDLY** **TREATMENT** Options

If your patients hoping to return to work are still undergoing treatment, talk with them about how the treatment program could be tailored to their work schedule if necessary—without compromising its effectiveness. Tell them:

- Treatment options have expanded greatly. By working with you and the oncologist, patients can find the treatment regimen that works best and also helps them maintain their lifestyle—including a return to their career.
- Chemo or other treatments can be scheduled around their work demands, at least somewhat. For instance, chemo can be done at the end of the week, giving them the weekend to rest.
- New combination treatments and at-home treatments can save time and energy. For example, oral chemotherapy can be taken at home so it requires fewer visits to the doctor or clinic.
- Not all treatment regimens can be adjusted; the goal is the most effective treatment, not the most convenient.

# Managing **SIDE EFFECTS** of Treatment and Cancer

As your patients contemplate their return to work, managing side effects of cancer treatments typically becomes even more important to them. You can help a great deal by initiating a discussion on side effects—asking them the most typical ones they have experienced or explaining the potential side effects, if they are switching to a new treatment.

Then, you can talk about remedies one by one. Before getting specific, however, it's crucial to emphasize the importance of reporting any symptoms or side effects to you and their physician. Reassure them that while many side effects can be managed with lifestyle changes—including diet or exercise—others may require adjustments to treatment or additional medication to resolve.

Once patients know the importance of talking about side effects, you can cover the typical ones and suggested remedies. These include:

## — **PAIN:**

Remind your patients that pain is a common side effect, caused by the cancer itself or by the treatment. Suggest that your patients:

- Keep a log of the pain, noting the time it occurs and what they were doing.
- Rate the severity of their pain on a scale of 1 to 10, the highest being the worst ever.

Then you and the physician can discuss options with the patient—such as medication or relaxation breathing or some combination—to make the pain more tolerable.

## – FATIGUE:

One of the most common side effects, fatigue is also one of the most disturbing for those trying to work. It can affect concentration and memory as well as the ability to function, physically and emotionally. Suggest that your patients try these fatigue remedies:

- Rate their fatigue on a 1 to 10 scale (10 being worst) and report it to you if it reaches 4 or 5.
- Figure out any pattern to the fatigue so they can anticipate lower energy periods and plan around them. For instance, many patients say fatigue peaks a day after chemo, lasts for several days, then subsides. Fatigue after radiation, however, tends to be cumulative, becoming progressively worse as the number of treatments increases. Paying attention to the pattern can help with planning treatments and any needed time off work.
- Take short naps if possible, even at work. (Recommend your patients ask their supervisor to accommodate them by putting a cot in a quiet room.)
- Work smart. Curtail all but crucial travel, hold meetings on the Internet or phone and telecommute on the heaviest traffic days.
- Prioritize. Completing the most pressing work tasks first will reduce stress and increase feelings of productivity at the end of the day.
- Exercise or get some physical activity daily. Exercise has been shown not only to prevent fatigue, but also to decrease it once it has set in. The exercise can be as simple as a home-based, moderate-intensity walking program.

## – NAUSEA AND VOMITING:

If your patients complain mostly of nausea and vomiting, remind them that:

- Many anti-nausea remedies are available and their doctor can recommend the best one for them. If one doesn't work well enough, another one may.
- Dietary changes can help keep nausea and vomiting at bay. Eating five small meals instead of three big ones can help with nausea (as well as fatigue). Staying well hydrated, eating small amounts of bland, room temperature food (crackers and pretzels are good) and eating easy to digest foods can help as well.
- Some non-medical mind-body approaches are worth investigating, including self-hypnosis, relaxation exercises, guided imagery and biofeedback, in combination with progressive muscle relaxation.



## – “CHEMO BRAIN”:

You call it “cognitive dysfunction associated with chemotherapy,” but your patients know it as “chemo brain.” Remind your patients that it is common, with up to 30 percent of cancer patients undergoing chemotherapy experiencing this mental fog marked by lack of concentration, memory or thinking skills. Suggest to your patients that they:

- Get a full workup from their primary care physician. The evaluation may uncover other reasons for fatigue and cognitive problems, such as depression.
- Ask about medications that may help their “chemo brain.”
- Ask about simple remedies such as coffee (unless patients have a health reason to avoid it) to help combat their daze.
- Pay attention to stress levels, which can worsen “chemo brain” symptoms. Ask about referrals for talk therapy, occupational therapy, biofeedback or relaxation training if necessary.

## – HAIR LOSS:

Although there are no treatments that are effective in preventing the hair loss that occurs with many chemotherapy treatments, it will help your patients emotionally to prepare for it in advance. Talk to your patient about whether to expect hair loss with their treatment and if so, when it is likely to happen. That way they can be prepared psychologically and, if they choose, can get wigs or scarves in advance. Remind your patient that their hair WILL grow back.

Hair loss is a tangible reminder of the cancer. It exposes patients to the world and can make them feel very vulnerable and helpless. Going back to work can be particularly challenging when self-esteem and confidence are compromised. Preparing patients on how best to handle questions and comments about their health in the workplace may allow them to feel a sense of control.

# SHARING the Diagnosis at Work

## – To **TELL** or not to tell

It is often very difficult for patients to make a decision that is best for their particular circumstance. Therefore, it's often your role as a healthcare professional to help guide them in deciding whether or not to disclose their diagnosis at work. The major points to consider are:

- 1) Will diagnosis or treatment interfere with their ability to perform the essential duties of their job? If your patient is able to maintain productivity levels, then, ultimately, the decision of whether or not to disclose a cancer diagnosis is entirely up to them. But if the degree of the disease and the course of its treatment are severe, telling the employer is often a necessity in order to gain legal protections (see section III. for details).
- 2) What is their workplace environment and culture? Some workplaces are more receptive settings where personal information is readily embraced. It may feel "safe" for the patient to reveal a medical situation. In these cases, having a discussion early on with the employer may prove beneficial to the employee in the long run.

In cases that are a little more complicated it may be helpful to ask patients some leading questions to assist them in their decision making process. For example:

- How long has the patient been employed at their company?
  - This may help determine comfort level, what legal protections they are entitled to and their familiarity with the work culture over time. It may also help gauge their trust level, which is often key in disclosure scenarios.
- What are their work relationships like?
  - Is it a close-knit working environment that is centered on teamwork? Do they trust and respect their boss and vice versa? Help your patient understand the dynamics at play.
- How has their work performance been evaluated until the diagnosis?
  - This is an important point. Perhaps the employee has had a poor performance history prior to the diagnosis and they fear that disclosing the cancer would be the final straw for their employer. It is helpful for patients to be realistic and truthful about their work standing.
- Have they witnessed other people in a similar circumstance at work? Was the experience positive or negative with the company?

(To **TELL** or not to tell...)

3) What is their individual personality and how does that impact sharing their diagnosis? It is important to assess the emotions your patients may be struggling with in the decision to disclose at work. Commonly, patients are most concerned about:

- Control: Patients may feel they are unable to control the disease course, but they may feel able to control their workplace and the amount or type of information that is shared. It may provide them with a sense of power during a time when they have a very limited sense of control.
- Pity: Patients often say they fear that once they reveal their cancer diagnosis, they will become only a cancer patient in people's eyes. Your patients may want to avoid being seen in this light in their workplace, where they have an established role and image. They may fear discrimination—that people will interpret their illness as a diminishment of their abilities and treat them differently.
- Vulnerability: By disclosing in the workplace, your patients open themselves up to other people's stories, comments and connections to cancer. They are then forced to deal with their own emotions as well as their co-workers' emotions, which can be overwhelming.

## — **WHAT** to tell

Encourage your patients to get as much information as possible from their doctors—including the exact explanation of the diagnosis, the expected treatment, the outlook and the timetable—before sharing the diagnosis at work. Gently remind your patients that this information is very fluid—anything can change at any time. The treatment, for instance, may take longer (or less time) than predicted or a different treatment plan may be adopted midcourse. Knowing this ahead of time can help your patients cope if any “curve balls” come their way.

Suggest that your patients include this information in their conversations with supervisors, HR representatives and perhaps co-workers, if they desire:

- An explanation of the diagnosis and prognosis
- Expected course of treatment
- Any expected leaves of absence

Then, if possible, a plan for how their work will get done:

- What projects are outstanding
- Who will cover for them
- Or how they will complete the work themselves

### (**WHAT** to tell...)

Having a plan of action can help on two fronts:

- It will help your patients feel more in control.
- It will help alleviate concerns their supervisors might have about getting work done.

Besides sharing basics about their diagnosis and expected treatment plan, timeline and return to work, your patients can suggest to their supervisors the best way to communicate with them during work absences.

One solution is to name a “point person” who can help your patients manage interactions with the office when they are out of the office and keep co-workers informed about their treatment and recovery.

### – **WHO** to tell

- Supervisor: Suggest to your patients that telling their immediate supervisor could be a good place to start. Many patients discover that their bosses turn out to be far more than just managers. They can be sources of strength, hope and encouragement, far outside the professional realm.
- Human Resources department: Remind your patients that HR people can be fonts of information, with valuable knowledge about their company’s policies. Most HR departments will have had experience with cancer survivors and can offer advice on how to tell co-workers and what to expect.
- Colleagues/co-workers: When talking to their peers, suggest that your patients let them know what to expect, such as fatigue or hair loss. Then focus on how they plan to cope.

## Preparing for **CHANGES** in Appearance

Dry skin, weight fluctuations, hair loss—a whole new set of challenges face men and women with cancer when it comes to maintaining an image at work during and after treatment. Encourage your patients to seek out help from the experts: hairdressers and barbers can offer help with wigs and hair loss; local department stores and support organizations like Look Good...Feel Better (see Resources at the end of this section) can advise on makeup; dermatologists can help with skincare. Another tip: encourage your patients to buy clothes to accommodate any weight gain or loss they experience. Ill-fitting clothing is a constant reminder of the changes that are happening.

## Deciding Whether to **WORK** or Take **TIME OFF**

As treatment begins and progresses, help your patients to identify and predict their response patterns, such as periods of fatigue and times of normal productivity. With this information, help patients map out a realistic plan to continue to work or return to employment. Encourage your patients to gather the facts before making their decision. Some questions they should consider are:

- How will treatment affect their work and schedule?
- What are their job demands, both physical and mental?
- What are the new barriers, if any, to getting to work? Is it uncomfortable, for instance, to catch the bus or the subway now? How many hours, realistically, can they put in now or upon return?
- What other areas of their life—cooking dinner, helping children with homework, tending to aging parents—take up substantial hours and may need to be delegated at least temporarily?
- If they delay a return to work, what would the downsides be—financially, emotionally and in any other ways? What are the rewards, including financial and emotional? Do the rewards outweigh the downsides right now?
- How is their identity connected to their work?
- What parts of the job might be more difficult during or after treatment? For instance, if a patient has to lift heavy boxes or equipment, can an accommodation be made?
- How flexible is the work environment?
- Can other accommodations be made?

## Creating a **WORKABLE SCHEDULE**

Begin by helping your patients get a general idea of how their treatment will affect their work.

- Suggest they first identify specific hours and/or days of the week they feel best versus when they experience the most fatigue.
- Identify what medication is needed and the side effects. Determine which medications can be taken at night to offset uncomfortable side effects or lowered cognition and energy levels.
- Alert patients about which days are typically most difficult after treatments so this information can be factored into the plan.

Once your patients have a better picture of how productive they can be, and when, they will be more prepared to approach their employers to devise a reduced, altered or more flexible schedule. Some of the strategies that they might suggest include:

- **Working from home, part- or full-time:** This can eliminate a draining commute and enable patients to lie down when necessary.
- **Flexible hours:** Perhaps they could implement a full-time but flexible schedule. For example, varying the start and end times of the work day or taking time out during the work day to go to appointments and making the time up by working earlier or later in the day or week.
- **Temporary part-time schedule:** Another strategy is to work a part-time schedule during all or part of treatment and recovery.

# Modifying the Work **ENVIRONMENT**

Sometimes patients will need direction to make their workspace more comfortable and productive. Suggest that they take a look at their workstation or mentally recall the set up. They should think about whether it needs to be redesigned or fitted with equipment such as back support or other devices to increase comfort. You can help patients with this process by:

- Identifying physical limitations, temporary and permanent, the patient may not realize.
- Offering suggestions for modifying their workspace to minimize the amount of energy and effort needed to accomplish necessary tasks, such as reaching for the phone or retrieving files. Calling in a physical or occupational therapist to help, if necessary.
- Suggesting that a special chair might be more comfortable, depending on the patient's physical needs. You can provide a letter of medical necessity for chairs or other equipment for their supervisors to ease the process.

## Getting Back to **“NORMAL”**

A natural goal and one that patients often voice is their wish to get back to “normal.” For some, that may be possible; for others there is a new “normal.” Either way the return to work is stressful for most. Some worry about productivity, others about being able to concentrate or being unable to cope with the stress. Suggest that your patients acknowledge the stress and plan to deal with it. A few recommendations for stress management you can offer:

- Advise your patients to use a journal or blog to express feelings of being overwhelmed.
- Encourage patients to take a brief walk or a 10-minute break to re-focus when stressed.
- Recommend that patients seek professional help such as a therapy session or support group if their stress levels become overpowering.
- Suggest they take time to organize and clean their desk or work area. It's amazing what the visual impact can do for the psyche. It gives patients a sense of control of their space.

# RESOURCES

## SUPPORT GROUPS AND SERVICES

- **THE AMERICAN CANCER SOCIETY**

[www.cancer.org](http://www.cancer.org)  
1-800-227-2345

This national, community-based voluntary health organization provides multiple supportive services by telephone, online and in person. ACS can identify resources in your patients' communities.

- **THE AMERICAN COUNSELING ASSOCIATION**

[www.counseling.org](http://www.counseling.org)  
1-800-347-6647

Encourage your patients to seek individual counseling. They can contact their insurance company for a list of in-network behavioral health benefits and providers.

- **CANCERCARE**

[www.cancercare.org](http://www.cancercare.org)  
1-800-813-4673

This is a national not-for-profit organization that offers free educational, counseling and financial support. Master's degree level social workers provide all services—in person, by telephone and online.

- **CANCER SUPPORT COMMUNITY**

[www.cancersupportcommunity.org](http://www.cancersupportcommunity.org)  
1-888-793-9355

Uniting The Wellness Community and Gilda's Club Worldwide, the Cancer Support Community is an international nonprofit dedicated to providing support, education, and hope to people affected by cancer. CSC provides a support network of more than 50 local affiliates, 100 satellite locations and online.

- **IMERMAN ANGELS**

[www.imermanangels.org](http://www.imermanangels.org)  
1-877-274-5529

Free one-on-one support: connecting cancer fighters, survivors, and caregivers. Imerman Angels partners a person fighting cancer with someone who has beaten the same type of cancer. These one-on-one relationships inspire hope and offer the chance to ask personal questions and receive support from someone who is uniquely familiar with the experience.

- **LANCE ARMSTRONG FOUNDATION**

[www.livestrong.org](http://www.livestrong.org)  
1-866-673-7205

The national Livestrong program provides support materials, grant-assistance, online community forums and national visibility to motivate and educate anyone affected by cancer. English and Spanish.

- **LOOK GOOD...FEEL BETTER**

[www.lookgoodfeelbetter.org](http://www.lookgoodfeelbetter.org)  
1-800-395-5665

This free program helps women and teens cope with appearance-related changes resulting from cancer treatment. On the website there are step-by-step tips for skin care, makeup and hair care from experts; "before" and "after" pictures; and information on group workshops in all 50 states. English and Spanish.

- **YOUNG SURVIVAL COALITION**

[www.youngsurvival.org](http://www.youngsurvival.org)  
1-877-972-1011

Aimed at women under age 40 with breast cancer, it provides information in an easy-to-digest Q&A format on treatment, clinical trials, pregnancy and cancer, and more.



# III. LEGAL AND INSURANCE MATTERS

Cancer patients can encounter various legal issues on the job—from possible discrimination and receiving reasonable accommodations in the workplace to ensuring necessary medical leave. While your patients should seek the expertise of a legal professional to address these challenges, you can help by having a working knowledge of the relevant laws that apply to cancer patients and knowing where to refer your patients for further guidance.

In this section we will offer information on:

- Disability insurance benefits
- Discrimination at work
- Federal laws that can protect employees
  - Americans with Disabilities Act (ADA)
  - Family & Medical Leave Act (FMLA)
  - Health Insurance Portability and Accountability Act of 1996 (HIPAA)
  - Consolidated Omnibus Budget Reconciliation Act (COBRA)
  - The Federal Rehabilitation Act
- Resources

# DISABILITY INSURANCE BENEFITS

While your patients can obtain detailed information on private disability benefits from their company's human resources department, on federal disability benefits from the Social Security Administration (SSA), and on state disability benefits from state insurance agencies you can tell them the basics:

- Disability insurance is generally divided into long-term—those illnesses or injuries expected to last 12 months or longer, or predicted to be terminal, and short-term—less than 12 months.
- Short-term plans are usually administered through the employer or the state, while the employer or the federal government oversees long-term plans.
- The definition of disability changes from plan to plan, so it's crucial to ask the administrators of a plan how disability is defined. Additionally, private disability benefit plans have varying definitions of what short and long term mean, so it is important to read your plan description.

For long-term disability, your patients should be aware of the “Big 5” questions they will be asked to determine eligibility for long-term disability benefits:

- 1.** Is your patient working? Generally, the Social Security's definition of disability, and therefore the eligibility criteria for receiving federal disability benefits, is strict and excludes those able to work. (See: [www.ssa.gov/dibplan/dqualify4.htm](http://www.ssa.gov/dibplan/dqualify4.htm)). However, the SSA does have trial work periods that might allow your patient to work on a trial basis. Earnings limits increase each year and can affect eligibility. In 2011 the earnings limit for the trial work period is \$720/month. For current information on disability recipients' earnings limits see: [www.ssa.gov/pubs/10003.html](http://www.ssa.gov/pubs/10003.html).
- 2.** Is your patient's condition severe?
- 3.** Is it found in the list of disabling impairments? (The list is posted on the Social Security Administration website at [www.ssa.gov/disability/professionals/bluebook/AdultListings.htm](http://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm). Please note, it is meant for professionals, so you will want to help your patient decipher it and determine if they are included.)
- 4.** Can your patients do the work they did previously? If so, the claim will likely be denied.
- 5.** Can your patients do other types of work? If so, the claim will likely be denied.

## (**DISABILITY INSURANCE** BENEFITS...)

The SSA also has a Compassionate Allowances program that identifies diseases and other conditions that “invariably qualify under the listing of impairments based on minimal objective medical information” and therefore receive expedited processing in disability determinations.

See: [www.ssa.gov/compassionateallowances/conditions.htm](http://www.ssa.gov/compassionateallowances/conditions.htm).

## **DISCRIMINATION** at Work

Discrimination in the workplace can be subtle, and your patients may have difficulty determining if their cancer history is being used unfairly against them. Here is what you can tell them:

- Be observant, especially of “red flags.” For instance, if someone clearly less qualified is promoted or your patients hear disparaging comments about them and their cancer, those are worrisome signs.
- Suggest that they document any examples of potential discrimination in a journal or keep a running list of communications and incidents. This way—whether they choose to pursue legal action or simply to approach their supervisor or human resources department to discuss their concerns—they will have concrete examples to reference.
- Advise your patients to speak, calmly, to a supervisor to discuss the potential discrimination before jumping to conclusions or taking legal action. Your patients may discover they misunderstood, or the supervisor’s intent may have been to help the patient by lessening the workload, for instance.
- Encourage patients to think through any legal action before going further. Be sure they know taking legal action can be time consuming and costly, and that the outcome could be unfavorable.

If the situation still seems discriminatory, suggest your patients seek legal advice, either from their own lawyer or through other legal avenues such as the local bar association or cancer support organizations. (See Resources at the end of this section.)

# FEDERAL LAWS that Protect the Employee

## – Americans with Disabilities Act (**ADA**)

Be sure your patients know that the ADA:

- Defines a person with a disability as someone who has a physical or mental impairment that substantially limits one or more major life activities—such as thinking, concentrating, walking, talking, seeing, sleeping or operation of major bodily functions.
- Prohibits discrimination against people with disabilities or a history of a disability—and that can include cancer—whether they work for a private company or for the government.
- Applies to employers with 15 or more workers. (Please note that many states have fair employment laws that include coverage for employees working in companies with less than 15 workers, making them eligible for protection under the state law. Encourage your patients to reach out to their state’s fair employment agency for details on how state law may protect them from discrimination.)
- Requires that covered employers make “reasonable accommodations” for a medical condition—including modifying work schedules, reassigning the worker to another position, allowing telecommuting—when a worker discloses the disability and asks for the accommodation. Note that employers are not necessarily required to grant employees their preferred accommodation but are required to engage in an interactive process to find a reasonable accommodation that helps their particular employee.
- Defines a “reasonable” accommodation as one that doesn’t cause the employer undue hardship—such as carrying substantial expense or leading to lowered work quality.
- Ensures that employers treat all employees equally.

(**FEDERAL LAWS** that Protect the Employee...)

## – FAMILY AND MEDICAL LEAVE ACT (**FMLA**)

Your patients should know that FMLA:

- Covers workers who have worked at least 12 months and 1,250 hours, at a company that employs 50 people or more.
- Grants workers up to 12 weeks of unpaid leave, which can be taken all at once or in increments as small as a few hours at a time until the maximum is exhausted.
- Workers will keep their medical coverage during the 12-week period of leave for their own serious medical condition or to care for a spouse, parent or child.
- Guarantees that the employee will have their job or an equivalent job in the company after returning from leave.

## – CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (**COBRA**)

COBRA is the federal law that allows patients to continue the same health insurance coverage that they had through their employer for an additional 18 months after leaving a job.

Key things to note about COBRA:

- Your patients are responsible for paying the full premiums.
- It applies to employers with 20 or more employees. Some states have mini-COBRA laws that make smaller employers provide the same benefit and/or extend coverage for longer.

**(FEDERAL LAWS** that Protect the Employee...)

## – HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 **(HIPAA)**

Your patients should know that HIPAA protects the rights of workers in group health plans. It:

- Protects a worker's medical privacy including a cancer diagnosis and treatment.
- Guarantees access to a HIPAA health insurance plan.
- Prohibits discrimination based on pre-existing medical conditions in the group market.
- Reduces the pre-existing condition exclusion period to a maximum of one year.
- Allows individuals to receive credit for prior coverage ("creditable coverage").
- Prohibits an employer from disclosing health information without the worker's permission, and, even then, limits the information that can be disclosed.

## – THE FEDERAL REHABILITATION ACT

Similar to the ADA, this act prohibits employers from discriminating against employees because they have cancer. This act only applies to employees of the federal government, as well as employers who receive public funds.

# RESOURCES

You can guide your patients to numerous sources of information, ranging from the very specific to more generalized. Here are some resources to help your patients deal with the range of insurance and legal issues—some devoted just to cancer, and others more general:

## **BAR ASSOCIATIONS**

Especially in larger cities, bar associations typically coordinate pro bono work. A call to the local bar association or getting the contact information for a specific region online or through the telephone directory is an excellent starting point. Some associations even have special projects or sections. For instance, the New York City Bar Association has a cancer advocacy project, in which volunteer attorneys provide 30-minute consults for cancer patients with work discrimination issues. For more information, visit: [www2.nycbar.org/citybarjusticecenter/index.php/projects/economic-justice/cancer-advocacy-project](http://www2.nycbar.org/citybarjusticecenter/index.php/projects/economic-justice/cancer-advocacy-project)

## **CANCER LEGAL RESOURCE CENTER**

[www.CancerLegalResourceCenter.org](http://www.CancerLegalResourceCenter.org)  
1-866-843-2572

This nonprofit organization provides free and confidential information and resources on cancer-related legal issues, including discrimination and employment issues, health and disability insurance options, access to health care, navigating insurance, estate planning and consumer rights.

## **LAWHELP.ORG**

[www.lawhelp.org](http://www.lawhelp.org)

Built by Pro Bono Net, a New York-based nonprofit organization, this website provides basic legal information to people with low incomes. Links to resources in every state, on a state-by-state basis, are included.

## **NATIONAL COALITION FOR CANCER SURVIVORSHIP**

[www.canceradvocacy.org/resources/publications/employment.pdf](http://www.canceradvocacy.org/resources/publications/employment.pdf)

A survivor-led advocacy group, the coalition's website includes information on employment rights, advocacy and other information.

## (RESOURCES...)

### **WORKPLACE FAIRNESS**

[www.workplacefairness.org](http://www.workplacefairness.org)

This nonprofit organization is dedicated to preserving and promoting employee rights. Information on workplace rights, including protection against discrimination, can be found here.

### **ADA RESOURCES**

#### *State websites*

Patients should visit their specific state fair employment agency's website for information on individual state laws that prohibit disability-based employment discrimination.

#### *U.S. Department of Justice's ADA home page*

[www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

This page includes information on how ADA helps cancer survivors return to work.

#### *The U.S. Equal Employment Opportunity Commission*

[www.eeoc.gov/facts/cancer.html](http://www.eeoc.gov/facts/cancer.html)

Basic information about how the Americans with Disabilities Act protects against discrimination.

#### *Job Accommodation Network (JAN)*

[www.askjan.org](http://www.askjan.org)

1-800-526-7234 or 1-877-781-9403 (TTY)

This organization will give one-on-one guidance to answer questions about workplace reasonable accommodations and the ADA.

### **DISABILITY RESOURCES**

#### *U.S. Department of Labor*

[www.dol.gov/dol/location.htm](http://www.dol.gov/dol/location.htm)

On this page, patients can find out if their specific state has a short-term disability program.

#### *U.S. Social Security Administration*

[www.ssa.gov/pubs/10029.html](http://www.ssa.gov/pubs/10029.html)

Information on Social Security disability plans is located here.

### **FMLA RESOURCES**

#### *U.S. Department of Labor*

[www.dol.gov/dol/topic/benefits-leave/fmla.htm](http://www.dol.gov/dol/topic/benefits-leave/fmla.htm)

This resource provides information to better understand the law from guidelines, to forms, to applicable rules and regulations.



# IV. RE-ENTERING THE WORKFORCE AFTER SHORT AND LONG ABSENCES

After medical leave has ended, the next challenge for your patients is making their return to work as comfortable as possible. For cancer survivors, returning to work often brings mixed emotions: relief, anxiety, hope and, perhaps, awkwardness. Even if your patients are confident in their ability to return, these mixed emotions may be present to some degree.

In this section we will provide practical suggestions for smoothing the transition from cancer patient back to valued employee, including:

- Deciding Whether to Return to the Same Job/Company or Start Anew
- Seeking New Employment
  - Creating an effective resume
  - Interviewing effectively
- Preparing to Return to Work
  - Returning to the same job
  - Starting a new job
- Resources

# **DECIDING** Whether to Return to the Same Job/Company or Start Anew

Whether your patients are going back to the same company or starting over at a new company or in a new field, encourage them to focus on their skills, not their cancer history. Suggest they ask themselves: “What are my skills and abilities and how can I best apply them to find satisfying work?”

Taking the time to do this—even writing down the skills or asking colleagues or loved ones to give their input—will help your patients to make work decisions and to write more effective resumes. Thinking through their skills will also serve as “dress rehearsal” for upcoming interviews—whether at a new company or, perhaps, a different role in their existing company.

It’s natural for your patients to think about starting over and getting a new job—in their field or an entirely new one. Reassure your patients that this is normal, but also urge them to think through all the aspects before they make a decision. You can aid the process by suggesting they address the following questions:

- What are my financial needs?
- Will my new career path require additional training or education?
- Can I afford training and the time off it may require, or to take an entry-level job in a new field?
- What is my energy level and is it sufficient to finish the required training?
- How long will it take me to reach the level I desire if I change to a new career?
- Are my dreams of a new career realistic?

# Seeking **NEW EMPLOYMENT**

Whether your patients decide to find a job at a different company in their current field, or to seek a position in an entirely new field, encourage them to:

- Review specific job descriptions for positions they are seeking and confirm they can perform the necessary and basic functions of the position. You can help them to determine what type of “reasonable accommodations,” such as flex hours, they may need to do so. (See additional information on this topic in section I.)
- Seek employment with large companies or government agencies. Due to the size of their work force, a larger company may be more likely to have experience and knowledge about a person with cancer. Larger companies are also more likely to offer an extensive benefits package.
- Network with colleagues or others in their field or in the field they are hoping to enter.
- Seek advice, if necessary, from a professional Career Coach. For more information, see: <http://www.cancerandcareers.org/career-coach>

## – Creating an **EFFECTIVE RESUME**

Putting together a strong resume can be challenging, especially if your patient doesn’t know how to address time off. Fortunately, they can use a few formatting techniques to downplay any absences from the workforce.

Here are some useful resume tips you can offer your patients regarding employment gaps:

- List experience by year, rather than month.
- Highlight skills and achievements by length of experience rather than chronological date—for example “Six years of customer service work.” Also, remind them to include experience gained outside the office, including volunteer work, caregiving and community involvement.
- Use a combination of a chronological and functional resume. Group skills and accomplishments by functional category at the top—for example listing all examples of managerial experience under a single title. Then, they can provide a brief chronological employment history at the end of the resume, minimizing gaps by using years, rather than months, and listing those years in the right margin, not the left.

### (Creating an **EFFECTIVE RESUME...**)

And remind your patient that in today's job market, with frequent downsizing and high unemployment levels, many people have employment gaps on their resumes. Employers may not even speculate that illness caused the absence from the job market in the first place.

For more advice, you can refer your patients to <http://www.cancerandcareers.org> where they will find sample resumes and interview tips.

## – **INTERVIEWING** Effectively

Interviews are always a challenge, but your patients may be especially anxious about appearing competent. Suggest that they:

- Rehearse for a job interview ahead of time by role-playing with colleagues, family or friends. They can practice and become more comfortable answering questions about any gaps in their work history. Remind them if gaps come up their answers should be future focused, non-specific and brief.
- Think through the employer's needs and compile examples of past work that show that they can address those needs. Be ready to tell short stories that illustrate their success.
- If cancer does come up, encourage your patient to be positive. For example: "I was dealing with health issues, but the issues are resolved and I am healthy and ready to work." And, then they should move on to what they can bring to the job, company, etc. Some patients need or want prospective employers to know either because they feel that their cancer makes them uniquely suited for the work in question or because they will require reasonable accommodations under the law, others prefer to start fresh and keep their cancer to themselves. Remind your patient that there isn't one answer for everyone and it is most important that they think about how they will handle these situations and what makes them most comfortable.
- Remember that, legally, their potential employer's questions must pertain to the potential employee's ability to perform the job's essential duties.
- Focus on their ability to do the job, not their cancer diagnosis.

# PREPARING to Return to Work

Whether your patients are going back to the same workplace or starting anew, it's crucial they gain confidence in their work abilities once again. How you can assist:

- Help your patients decide if they are ready to go back full-time or part-time.
- Help your patients consider what accommodations are needed, if any, to be successful.
- Recommend your patients go to workshops or seminars to refresh skills if necessary.
- Suggest your patients read up on trends in their industry.
- Advise your patients to join associations and networking groups in their chosen field.
- Encourage your patients to investigate training programs at local community colleges, trade schools or their state unemployment offices, if eligible.

## – Preparing to Return to the **SAME JOB**

Your patients may wonder and worry about how they will be perceived by co-workers—with skepticism or support? Suggest that they:

- Remember another colleague who returned after cancer treatment and consider how that person was treated and handled the situation. They can then imitate the things the colleague did that elicited support and avoid the things the colleague did that evoked criticism or skepticism.
- Keep in mind that their approach to the situation will set the tone for their co-workers' reactions. If they are positive and expect support, their colleagues will likely follow suit.
- Resume their former style of interaction. If they are the talkative, sharing type, they can update colleagues on their recovery. If they are more private, they can simply choose to say, "Everything's good. And I'm ready to get back to work."
- Resume routines to feel productive as soon as possible. Even tackling a mountain of mail or email or returning telephone calls, as tedious as the tasks are, can help your patients feel like they are back in the swing of things.

## – Starting a **NEW JOB**

In some ways, starting a new job may be less stressful—your patients don't have to live up to old reputations and work patterns. But advise your patients who are starting a new job to:

- Prepare for the potential stress of learning new procedures or skills.
- Think positive and expect success. Their positive outlook and demeanor will not go unnoticed.
- Remember those work habits that made them feel successful or appreciated. This may be as simple as returning telephone calls promptly or never arriving at meetings late. They can vow to follow these habits on the new job as well.
- Consider searching for a mentor, such as an older colleague who has also recovered from cancer or another serious health condition, once they are on the job.

# RESOURCES

- **CANCER AND CAREERS**

[www.cancerandcareers.org](http://www.cancerandcareers.org)

Includes articles on workplace re-entry and a free online career coaching center where professional coaches field questions from individuals about topics ranging from rewriting resumes and going on interviews to rethinking career goals.

- **U.S. DEPARTMENT OF LABOR  
ONE-STOP CAREER CENTERS**

[www.careeronestop.org](http://www.careeronestop.org)

1-877-872-5627

Offers general information on topics like resume writing and interviewing successfully, as well as a directory for local walk-in centers.

# NOTES

NOTES



**cancerandcareers**

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