

How to Accommodate a Worker Who Needs Time Off for Chemotherapy – Ask The Expert



Get the information you need to evaluate the worker's capabilities and needs.

QUESTION

A worker told us she's been diagnosed with cancer and needs to work an irregular schedule for chemotherapy. We understand that this is a delicate situation but we also don't want to get taken advantage of. What should we do?

ANSWER

Cancer is a disability under human rights law for which you must make reasonable accommodations up to the point of undue hardship. So, you need to activate your accommodations process or procedure. The starting point is to gather the information you need to make an informed decision about her accommodation request for time off. Personal health information is protected by privacy laws but employers are allowed to request it for purposes of processing accommodations requests, provided that they request only the minimum information they need to accomplish that purpose. In this situation, you can probably ask the worker:

- To verify her cancer diagnosis and need for chemotherapy;
- To describe how the cancer and chemotherapy affects her ability to perform her job, that is, which job functions she can and can't do;
- About her prognosis, including expected improvements and when they'll likely occur; and
- About her treatment and its potential side effects that may affect her ability to perform her job or interact with co-workers, management or customers.