

MANAGER'S KIT

A RESOURCE TO HELP YOU COMMUNICATE WITH YOUR MANAGER

HOW TO USE THIS KIT

Deciding whether to share a cancer diagnosis at work (or online or in other areas of life) is an intensely personal choice, and there are many things to think through as part of that process. Individuals may decide to disclose — or *not* disclose — their diagnosis for a variety of reasons. Some people feel it is essential to share the news at their job, because they're part of a particularly close-knit team or it would feel unnatural not to. Alternatively, there are those who feel strongly that privacy is critical and that, aside from family and close friends, no one is entitled to information regarding their health. And others may find that it is necessary to reveal at least some information to their employer, in order to access legal protections under the law. (For more on what to consider when making this decision, go to www.cancerandcareers.org/en/sharing-the-news).

If after weighing all of the factors that are important to you, you determine that you want to talk to your manager about your diagnosis and how it may impact your work, it can help to have a framework for these discussions. Beyond the concern that your manager may have for you — and for the company — it's entirely possible that he or she has never supervised an employee who's been diagnosed with cancer, and is therefore unsure about where to start in terms of addressing the situation. The best antidote in these circumstances is information, which is why Cancer and Careers created this kit.

It contains top-line information on need-to-know laws relating to cancer in the workplace; successful workplace strategies; tips for dealing with your company's HR department (if one exists); and more. We recommend detaching this page and sharing the rest of the kit with your manager.*

If you're not quite sure how to incorporate the work element into the discussion about your diagnosis, the language below may help with that part of the conversation:

- *"I know this is a lot for you to take in as well, but I think if we collaborate we can come up with a plan that works for both of us. It's very important to me that everything continues to run as smoothly as possible here."*
- *"I know you have many things to consider in terms of how we manage this, but I want you to know how important it is to me to continue doing the best work I possibly can. To make the process easier, I found this Manager's Kit from an organization called Cancer and Careers that offers ideas for how we can approach this situation together and help ensure that we're covering all the bases."*

Additional resources for you and your employer can be found at www.cancerandcareers.org.

*Please note: If you are not planning to disclose a cancer diagnosis specifically, then you should pull only select information from this kit that does not include "cancer" or Cancer and Careers' branding.

DEAR SUPERVISOR,

Dear Supervisor,

The packet included with this letter is designed to help you through the process of managing your employee as he/she tries to balance cancer treatment and recovery with work.

Reports by the Centers for Disease Control and Prevention, the National Cancer Institute and the American Cancer Society estimate that the number of cancer survivors (defined as anyone who has been diagnosed with the disease) will exceed 20 million in the next decade. That means that most workplaces will be faced with supporting a staffer through his/her cancer experience.

Employment is one of the greatest concerns for patients; not just because most people rely on their job for their paycheck and health insurance coverage, but because, for many of us, our work is intimately tied to our sense of identity and purpose.

Coming up with a workable plan for a situation like this requires input from both you and your employee. The result will benefit all involved — employee, manager and company. The groundwork you lay will engender goodwill toward the company from employees and help protect you and your direct report during a difficult time.

This kit contains top-line information on need-to-know laws that relate to cancer in the workplace, successful workplace strategies and tips for working with your HR department (if your company has one).

Additional resources for both you and your employee are available at www.cancerandcareers.org.

Please email any comments or suggestions you may have for Cancer and Careers to cancerandcareers@cew.org. We welcome your feedback and would love to hear from you.

Best regards,



Rebecca V. Nellis, MPP
Executive Director
Cancer and Careers

WHAT TO EXPECT

WHAT TO EXPECT WHEN YOUR EMPLOYEE HAS CANCER

A cancer diagnosis is disturbing. In addition to health worries, there are concerns about how treatment will affect the work environment for all. The best thing you can do is educate yourself. We've all heard about cancer, but that doesn't mean we understand exactly what it is.

WHAT IS CANCER?

The term "cancer" covers a collection of more than 100 different diseases. They are grouped together because they all stem from the same cause; cancer begins when one or more of our basic cells starts dividing and forming new cells at an unstoppable pace.

WHAT IS A TUMOR?

Tumors are formed when enough of these extra cells have joined to create a mass of tissue.

ARE TUMORS ALWAYS CANCEROUS?

No. Tumors are either benign or malignant. In a benign — or, non-cancerous — tumor, the cells contained within haven't spread outside of the tumor. In most cases, a benign tumor can be removed.

With malignant — or, cancerous — tumors, the cells have spread outside the tumor and, depending on the type and severity of the cancer, have begun to wreak havoc on surrounding organs and/or body tissue. With some cancers, such as leukemia, the cells spread through the blood, posing a threat to everything in their path.

WHERE TO GO FOR MORE INFORMATION

Today's cancer is far different from that of a generation ago. It's no longer the "c" word, talked about only in hushed tones. The more you know about it, the better. There are hundreds of cancer-related support and informational organizations throughout the country. Here are some of the top resources we recommend for learning more:

- American Cancer Society (www.cancer.org)
- National Cancer Institute (www.cancer.gov)

WHAT TO REMEMBER

Obtaining a definitive diagnosis and treatment plan can often take days or weeks. Patients may need to wait for test results, undergo repeat tests and/or schedule appointments with several specialists, all of which can increase their anxiety. Understanding that the time frames for common diagnostic tests, treatments and expected recovery periods are unpredictable or can be prolonged, can help everyone better manage this difficult process.

NEED-TO-KNOW LAWS

There are a number of federal laws that relate to cancer patients' rights, discrimination and benefits. It's important to remember that these laws are in place to protect the employer and employee. If you're part of a large company, your HR department can help with navigating benefits and legal issues. Also, the agencies overseeing each program provide online compliance guides that offer direction for both employee and employer.

THE AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act is a federal law that most people have heard of but don't usually think applies to a disease like cancer. Yet, it can be very helpful to employees or job candidates who are managing the disease and want to work. Like all laws, there are eligibility requirements that must be met before the protections can be accessed.

In the case of the ADA, the person must be qualified (i.e., have the appropriate skills, experience, training, etc.) to do the job, and the employer must be either a private company that has 15 or more employees or a local or state government. Additionally, the employee must have a disability, which is defined under the ADA as "a physical or mental impairment that substantially limits a 'major life activity.'"

For a person who *does* meet the eligibility requirements, the ADA may protect him/her from discrimination during all phases of employment (e.g., hiring, firing, benefits) if:

- He/she presently has a disability (e.g., symptoms related to a cancer diagnosis and/or cancer treatment).
- He/she has a history of a disability (e.g., a past cancer diagnosis).
- The employer assumes he/she has a disability (i.e., the employer views the employee as having a disability even if he/she doesn't).
- He/she is connected to a person who has a disability (e.g., being a caregiver).

In addition, the ADA requires eligible employers to make "reasonable accommodations" to enable employees who currently have a disability, or who have a history of having a disability, to function properly on the job. For more on reasonable accommodations, see the section "Creating a Supportive Work Environment."

The Americans with Disabilities Act Amendments Act (ADAAA) of 2008 amends the ADA by giving a broader definition of "major life activity" that includes seeing, hearing, eating, sleeping, walking, breathing and thinking. With cancer patients, often it is not the disease itself that creates the disability but, rather, the side effects of the treatment. "Major life activity" now also includes "major bodily functions," such as immune system functioning, normal cell growth, and endocrine and reproductive functions.

LEARN MORE:

Visit the U.S. Equal Employment Opportunity Commission (EEOC) website (www.eeoc.gov/eeoc/publications) and consult its ADA-related documents, including:

- "The ADA: Your Responsibilities as an Employer" (www.eeoc.gov/facts/ada17.html)
- "Questions and Answers About Cancer in the Workplace and the Americans with Disabilities Act (ADA)" (www.eeoc.gov/laws/types/cancer.cfm)

Go to the U.S. Department of Justice's ADA homepage, at www.ada.gov, and the EEOC's ADAAA page, at www.eeoc.gov/laws/statutes/adaaa_info.cfm.

NEED-TO-KNOW LAWS

The Family and Medical Leave Act of 1993 (FMLA) gives many employees the right to take time off to deal with an illness or to care for an ill child, parent or spouse, without losing their job.

THE FAMILY AND MEDICAL LEAVE ACT (FMLA)...

- Guarantees that eligible employees can take up to 12 weeks of unpaid leave, which can be used all at once or in increments as short as a few hours at a time.
- Requires employers to maintain an eligible employee's health insurance benefits while he or she is out on leave.
- Guarantees that an employee who returns to work will be reinstated to his or her previous position or an equivalent job with the same salary, benefits and other conditions of employment.
- Covers employees who have worked for their employer for at least 12 months, including at least 1,250 hours during the most recent 12 months. The law applies to workers at all government agencies and schools nationwide as well as those at private companies with 50 or more employees within 75 miles of the employee's work site.

LEARN MORE:

Visit the U.S. Department of Labor's FMLA webpage, at www.dol.gov/whd/fmla/index.htm, and the Employer's Guide to FMLA, at www.dol.gov/whd/fmla/employerguide.pdf.

STATE FAIR EMPLOYMENT LAWS

Many states have their own laws that may provide even more protection for employees than federal laws, in that they:

- Have a broader definition of the term "disability."
- Specifically list cancer as a potential disability.
- Apply to employers with fewer than 15 employees.

For a list of legal resources for each state, visit Triage Cancer's State Resources page, at www.triagecancer.org/resources/stateresources.

THE REHABILITATION ACT OF 1973...

- Prohibits employers from discriminating against employees because they have cancer.
- Applies to federal government agencies and companies that receive federal funds.

NEED-TO-KNOW LAWS

Remember that your employee should lead the way in how public he or she wants to make his or her diagnosis. There are several laws that are concerned primarily with hiring practices but have clearly defined rules on privacy that apply to you, the manager, as well.

THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)...

- Guarantees access to health insurance in certain circumstances and the ability to bring it along to another job.
- Prohibits discrimination based on health status in certain circumstances.
- Protects medical privacy, including a cancer diagnosis and treatment, by limiting certain people from disclosing information.
- Sets limits on who can have access to a person's health information in all forms.
- Prevents anyone from receiving a person's health information without his or her consent and ensures that what is shared are only the relevant details.

The safeguards in place require that employers:

- Not disclose any health information without the employee's permission. Human resources staff, for instance, can't release information about the employee to anyone, until they have obtained the employee's OK.
- If permission is granted, the health information shared must be limited. Only details that are absolutely necessary for the other party to know — whether the other party is an insurance company, a doctor or other — can be transmitted.

LEARN MORE:

Visit the U.S. Department of Labor's "Health Insurance Portability and Accountability Act (HIPAA) Portability of Health Coverage and Nondiscrimination Requirements FAQs" page, at www.dol.gov/sites/dolgov/files/ebsa/about-ebsa/our-activities/resource-center/faqs/hipaa-compliance.pdf. Or visit the U.S. Department of Health & Human Services Office for Civil Rights' "Health Information Privacy" page, at www.hhs.gov/hipaa/index.html.

THE GENETIC INFORMATION NONDISCRIMINATION ACT (GINA) OF 2008...

- Prohibits health insurers or health plan administrators from requesting genetic information of an individual.
- Prohibits most employers from using genetic information for hiring, firing, or promotion decisions as well as for any decisions regarding terms of employment.

For complete details about the provisions in GINA, go to www.genome.gov/24519851.

COME UP WITH A PLAN

The best way to handle any schedule changes or time off for your employee is to work with him or her to establish a plan. Your HR department is a good place to turn for information on precedents at your company.

PUT IT IN WRITING

Having everything in writing will ensure that everyone has the same expectations. And it will make things easier when evaluation time rolls around.

KEEP IN TOUCH

Employees with cancer need to feel included and vital — and their coworkers need to be assured that the job is getting done.

- Institute daily or weekly email wrap-ups or phone calls.
- Use an online document-sharing program, so that everyone can keep up to date on project progress.
- Make sure the employee stays visible by participating in face-to-face meetings, attending social activities and serving on committees on days when he or she is in the office.

THE POINT PERSON

Together with your employee, decide on a coworker who is well suited to be the main point of contact for job-related matters. This way, everyone knows that there is someone who is fully up to date on work projects, and the employee with cancer can rest assured that his or her responsibilities are in good hands.

- Establish a process for contacting the employee when there are critical issues that need immediate attention. Of course, the goal is to do this only on those rare occasions when there is no one else who can address the issue.
- For more on establishing and being an effective point person, read www.cancerandcareers.org/en/at-work/coworkers/how-to-be-an-effective-point-person.

PRIVACY

Everyone has different preferences on how public or private they want to be about their diagnosis. It is a good idea to talk to your employee about whom he or she plans to tell (or not to tell), so you can respect his/her wishes around disclosure. In general, never reveal medical information about your employee. However, in order to provide your employee with a reasonable accommodation, there may need to be a discussion between HR and senior management. Communicate this with your employee beforehand. Coworkers who are unaware of the diagnosis may be curious as to why their colleague is receiving special treatment. Avoid sharing information about the employee's diagnosis, and assure said coworkers that they would receive similar support from the company if needed.

CREATING A SUPPORTIVE WORK ENVIRONMENT

There are many ways for people to work through cancer treatment — and you and your employee may mix and match strategies to adapt as his/her treatment progresses.

REASONABLE ACCOMMODATIONS

As discussed earlier, “reasonable accommodation” is a legal term that refers to an adjustment in the workplace that can help employees continue to work while going through treatment. Collaborate with your employee to determine a reasonable accommodation that works best for both of you. Employees may require more than one accommodation, and their needs may evolve over time as their treatment and side effects change. Maintain an ongoing dialogue with your employee regarding what is and isn’t working, so you can adjust accordingly while ensuring a productive workplace for all. The Job Accommodation Network (JAN) is an excellent resource for guidance on workplace accommodations and disability employment laws. It also provides a searchable database of possible reasonable accommodations. For more information, visit www.askjan.org.

Workplace accommodations often cost the employer very little or nothing at all. In addition, according to a 2017 JAN study, accommodation benefits for employers include:

- Retaining a valued employee (90%).
- Increasing the employee’s productivity (72%).
- Eliminating costs associated with training a new employee (61%).
- Increasing the employee’s attendance (56%).

IDEAS FOR REASONABLE ACCOMMODATIONS

MODIFYING WORK SPACE

- Addressing how your employee’s work space is set up can help to alleviate fatigue and ensure he/she isn’t wasting precious energy on non-essential activities. For example, if your employee has to walk up and down stairs multiple times a day to access the office printer, perhaps installing a printer at his/her desk would be a simple solution.
- Switching your employee’s work space may help him/her cope with side effects. For example, if your employee is experiencing nausea as a treatment side effect, moving him/her away from the staff kitchen may decrease the exposure to nausea-inducing smells.
- Special furniture may provide comfort to your employee or help him/her overcome work obstacles. For example, providing an adjustable/ergonomic chair might minimize neuropathy or other cancer-related pain. Or, perhaps your employee needs a mini refrigerator in his/her office to store medication so it is easily accessible.

CREATING A SUPPORTIVE WORK ENVIRONMENT

MODIFYING SCHEDULE

Sometimes the impact on work of certain treatment side effects can be addressed by shifting hours, or important meetings to times of day when your employee is feeling best. You can troubleshoot by posting an in/out-of-office schedule and making sure that the staff knows who is the designated point person.

Telecommuting

Telecommuting can be a good solution for those in treatment and recovery. Try these steps to keep the work team going strong:

- Jointly come up with a written communication plan that identifies the days and times the employee plans to be at home or in the office.
- Decide together how and when you'll be in touch with one another and how and when others who need to communicate with the employee can do so.
- Make sure your telecommuter has access to the company server or a document-sharing platform, as well as a computer loaded with the necessary software to effectively do his/her job remotely.
- If possible, keep up with regularly scheduled meetings and training, either in person or by conference call.
- Find a telecommuting partner for the employee — i.e., a coworker who can help the person working from home keep connected to the informal communication channels.

Flexible Work

This allows your employee to work full-time but with a flexible schedule. Some examples of flextime work are:

- Varying the start and end times of the employee's workday.
- Maximizing the hours that the employee feels his/her best.
- Allowing the employee to take time out during the day for appointments and make up the time later.

Part-time Work

The employee may need to reduce the number of hours he/she works, which will most likely affect the entire team.

A few things you should consider when scheduling part-time work:

- The time(s) of day when customers typically need the employee the most.
- The times of regularly scheduled meetings.
- How will the work be accomplished while the employee is on a part-time schedule?
 - > Which tasks/projects can be managed on a part-time schedule?
 - > How will the rest of the job be accomplished?
 - > Should tasks be delegated to other employees?

CREATING A SUPPORTIVE WORK ENVIRONMENT

Not all jobs are suitable for strategies like telecommuting, flexible schedules or part-time work. Certain situations may call for some creative thinking on the part of the entire staff. Tasks might be interchanged or coworkers cross-trained to stand in when schedules must be adjusted. Good solutions may include having the employee work on things that are project-oriented or can be done with minimal supervision.

THINGS TO KEEP IN MIND

- Make sure everyone knows that you still regard your employee as a valued part of the team. You can convey this through words, attitude and assignments.
- Watch for job creep. There is a danger with flexible, part-time or off-site work situations wherein the employee may end up overworking. It's easy to let boundaries blur when working at home. It is also not uncommon for an employee to feel that his/her absence or flextime is letting down fellow coworkers — and to overcompensate as a result. A clearly defined work plan helps combat job creep and overwork.
- It's also important to keep in mind the feelings of your other employees. They may feel overwhelmed by new responsibilities and may even resent any altered workloads or work schedules. Make use of your HR department and of Cancer and Careers' resources for coworkers (www.cancerandcareers.org/en/coworkers).

WORKING WITH HUMAN RESOURCES

Not all companies have a human resources department; if your company does, it should be considered a valuable resource and called upon as such.

HOW HR CAN HELP

LEGISLATIVE COMPLIANCE

Human resources departments are up to date on important legislation, including the ADA, FMLA, HIPAA, COBRA and ACA, all of which often come into play for an employee with cancer.

You can get the basics of these laws by going to www.cancerandcareers.org/en/at-work/legal-and-financial. But don't feel as though you have to be an expert — that's HR's job. You should be able to go to your human resources team with specific questions and get accurate answers.

BENEFITS ISSUES

HR is also accustomed to dealing with insurance companies and the language of coverage. Ask for help when these issues come up. In addition to knowing about health insurance coverage and options, HR will also know about company policy. They have basic information about sick leave benefits, short-term disability programs and other coverage.

WHEN YOU SHOULD LEAN ON HR

INTERPERSONAL ISSUES, COPING SKILLS AND RESOURCES

HR staffers are used to working with ill employees and their families. They know how to quickly and effectively tap into other resources — such as the company Employee Assistance Program (EAP).

WHAT YOU SHOULDN'T EXPECT FROM HR

Don't expect HR to initiate or conduct discussions that you should be having with your employee — for instance, conversations about workloads, schedules, time off.

Don't expect HR to bend rules when it comes to health insurance or legislation.

WHERE TO LEARN MORE

WORKPLACE TRANSITIONS FOR PEOPLE TOUCHED BY CANCER

A collaboration of Anthem, Inc., Cancer and Careers, Pfizer, SEDL (an affiliate of American Institute for Research) and the U.S. Business Leadership Network (USBLN).

WHAT IS WORKPLACE TRANSITIONS?

- A free e-toolkit to help managers better manage cancer in the workplace so people touched by cancer can continue working.
- An actionable and interactive resource created for companies of all sizes, to complement existing company policies and procedures.
- Guidance for frontline managers on managing return-to-work.

WHAT DOES IT OFFER?

- Important facts on privacy, disability, medical leave and insurance.
- A step-by-step guide for making a transition plan with the employee with cancer.
- Practical ideas for workplace adjustments and accommodations.
- Suggestions for managing changes and challenges with sensitivity.

VALUE PROPOSITION FOR EMPLOYERS

- Providing workplace transition information creates the potential to enhance employee retention, morale and productivity.

VALUE PROPOSITION FOR EMPLOYEES

- Sixty-nine percent of patients and survivors said that cancer recovery is aided by the routine nature of work (Cancer and Careers/Harris Interactive Survey 2015).

**FOR MORE INFORMATION ON WORKPLACE TRANSITIONS, VISIT
WWW.WORKPLACETRANSITIONS.ORG.**

CANCER AND CAREERS RESOURCES



NATIONAL EVENTS

Events and speaking engagements addressing the unique challenges of cancer in the workplace.

NATIONAL AND REGIONAL CONFERENCES ON WORK & CANCER

Conferences on the complexities of balancing cancer treatment and recovery with employment, featuring experts discussing legal issues, health insurance, job-hunting and more.

EDUCATIONAL SERIES FOR HEALTHCARE PROFESSIONALS

A multi-part accredited series, accessible via webinars/teleconferences, providing healthcare professionals with targeted information on combining work and cancer treatment, so they can effectively inform their patients. A companion manual is also available.

HEALTHCARE PROFESSIONALS IN-SERVICE TRAINING

In-depth accredited training sessions that equip the staffs at national cancer hospitals and organizations to better understand and serve patients who must balance employment and a diagnosis.



BALANCING WORK & CANCER WEBINARS

A series of webinars for people with cancer who are dealing with issues across the work continuum, including job search, working through treatment, disclosure and more.

ONLINE CAREER COACHING CENTER

Offers survivors access to experts who address individual questions on how to manage work during and after treatment.

RESUME REVIEW

This service provides job-seeking cancer survivors the opportunity to receive personalized feedback from one of our professional career coaches.

PROFESSIONAL DEVELOPMENT MICRO-GRANTS

The grants provide financial assistance for programs or training that enables survivors to enhance or build new skills.



CANCERANDCAREERS.ORG & CANCERANDCAREERS.ORG/ESPAÑOL

An interactive website with articles, a blog, an events calendar, a resource directory, a collective diary, videos, downloadable tools, and a newsfeed with recent posts and research on all issues related to work and cancer.

PUBLICATIONS

Cancer and Careers' library of materials includes English and Spanish versions of our *Living and Working with Cancer Workbook*, *Job Search Toolkit*, *Most Important Resources for Working People with Cancer*, *Survival Guide to Living with Cancer As a Chronic Disease*, *Survival Guide to Cancer on a Shoestring*, and *On-the-Go Guide* series. Also available in English is our *Manager's Kit*. Publications are distributed to individuals and cancer organizations nationwide.

**CANCER AND CAREERS
PROVIDES FREE EDUCATION,
SERVICES & INFORMATION TO
SURVIVORS, HEALTHCARE PROVIDERS
& EMPLOYERS NATIONWIDE**