

Socio-Economic Considerations in Cancer Survivorship: Employment and Education Impacts

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Cancer-Related Legal Issues

- Employment
- Education
- Finances
- Housing
- Transportation
- Insurance (health, life, disability)
- Dependent care
- End-of-life planning

Cancer-Related Legal Issues

- Legal issues have medical impact.
- Decrease
 - Treatment compliance
 - Financial resources
 - Quality of life
- Increase
 - Stress
 - Family problems

Ko, et al., Burden of socio-legal concerns among vulnerable patients seeking cancer care services at an urban safety-net hospital; a cross-sectional survey, *BioMed Central Health Services Research*, 16:196 (2016); Zevon, et al., Medically Related Legal Needs and Quality of Life in Cancer Care: A Structural Analysis, 109 *Cancer* 2600, 2604 (2007)

Cancer-Related Legal Issues

- Impact of Cancer on Employment
- Impact of Cancer on Education

Employment Rights of Cancer Survivors Before 1990

- Few laws prohibited cancer-based discrimination.
- Infancy of patient advocacy.
- Few resources to address cancer-related job discrimination.

Employment Rights of Cancer Survivors Between 1990 and 2008

- Progress
 - ADA provided increased awareness
 - by survivors of their rights
 - by employers to grant accommodations
 - Increase in patient advocacy.
- Problems
 - ADA's Catch-22 limited protection.
 - Insufficient legal resources.

Employment Rights of Cancer Survivors After 2008: Progress

- ADAAA made it easier for survivors to file discrimination claims.
 - Increased number of cancer survivors who had favorable outcomes in EEOC.
 - Great percentage of cancer survivors survive summary judgment so cases focus on accommodations.
- Expansion of patient advocacy.
- Expansion of legal resources.

Survivors' Employment Rights

- Federal Laws
 - Americans with Disabilities Act
 - Family and Medical Leave Act
 - Genetic Information Nondiscrimination Act
- State Laws

Americans with Disabilities Act

- Covers employers with 15+ workers
- Employer cannot treat survivor differently based on “disability”
- Enforced by the EEOC (eeoc.gov)
- Requires reasonable accommodations
 - Time off for doctors’ appointments
 - Flexible work hours
 - Time to rest

Family and Medical Leave Act

- Covers employers with 50+ workers.
- Requires up to 12 weeks unpaid leave to care for self, spouse, or child with a “serious health condition.”

Genetic Information Nondiscrimination Act

- Prohibits discrimination based on:
 - results of a genetic test
 - having a family member with a genetic-based disease or condition.
- Does not prohibit discrimination against an employee who has a genetic-based disease.

State Employment and Privacy Laws

- Prohibit workplace discrimination.
- Require reasonable accommodations.
- Provide medical leave.
- Protect privacy.

Cancer and Education

- Cancer treatment and late effects can disrupt education.
- Late effects of radiation, chemotherapy, and surgery can include physical and mental limitations:
 - neuro-cognitive deficits
 - growth retardation
 - cardiac dysfunction
 - second malignancies
 - fatigue
 - psychological impact

Education Laws

- Individuals with Disabilities Education Act (IDEA)
 - Ages 3 to 21
 - Individual Education Plan (IEP)
 - Special services
- Americans with Disabilities Act (ADA)
 - Covers higher education
 - Reasonable accommodations

Future Legal Rights of Cancer Survivors

- Negative: Congress and federal agencies may amend laws and enforcement.
 - Decrease administrative enforcement of employment discrimination laws.
 - Weaken privacy of genetic information.
 - Weaken education rights of children with disabilities.
 - Cut legal services.

Future Legal Rights of Cancer Survivors

- Positive: Increased advocacy and education.
 - Continued growth of survivorship advocacy.
 - Patient led advocacy
 - Survivorship research
 - Growth of medical-legal partnerships.
 - Multidisciplinary training of oncology professionals.