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

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

42 U.S.C. 12111 et seq.
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.”

29 U.S.C. 2601 et seq.
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.

42 U.S.C. 2000ff et seq.
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.