



## WORK AND INSURANCE CONCERNS

Most people who have had cancer decide to keep on working after treatment. Most return to work with ease. They are able to keep doing their job like before. Others may have concerns about their cancer when they go back to work. You should know your rights in the workplace. You should also know what help that there is for you.

### Workplace Discrimination

People with cancer have certain rights. These rights come from the Americans with Disability Act (ADA) and the Family Medical Leave Act (FMLA). These rights deal with how they are treated at work.

- **ADA** protects the civil rights of people with disability. ADA says that employers can not treat a worker or potential worker different based on their disability. Most employers must provide for a disabled person unless it would impose an “undue hardship” on that employer.
- **FMLA** requires employers to allow workers to take up to 12 weeks of unpaid leave in a 12 month period when a serious health problem exists. During the leave, insurance must be continued by the employer. To be eligible for FMLA, you must have been employed for 12 months prior to starting the leave.

### Insurance Issues

After cancer many people worry about changing jobs because of fears they can lose insurance. They can worry about not getting enough insurance in a new job. People with cancer need to avoid periods without insurance, no matter how brief. There are some options to persons with cancer in regards to keeping insurance coverage.

- **Health Insurance Portability and Accountability Act (HIPAA)** protects an employee’s rights to insurance coverage between jobs. A person must apply within 63 days of losing the previous insurance. HIPAA enables employees



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to buy health insurance not subject to the pre-existing condition clause found in most policies.

- **Consolidated Omnibus Reconciliation Act (COBRA)** requires employers to offer health coverage at group rates to employees in the event they leave their job. This type of coverage is usually more expensive than the prior workplace policy.

### For more information:

- Job Accommodation Network: 800-ADA-WORK (800-232-9675) (The Job Accommodation Network is a free service that helps employers makes special arrangements like flexible hours for employees who need them.)
- The Cancer Resource Center: (415) 885-3693 (The Cancer Resource Center can give you more information about your legal rights.)

### Useful websites:

- <https://www.youngsurvival.org/breast-cancer-in-young-women/living-with-breast-cancer/practical-concerns/careers/>
- <https://www.youngsurvival.org/breast-cancer-in-young-women/living-with-breast-cancer/practical-concerns/navigating-health-insurance/>
- <http://www.cancer.org/treatment/findingandpayingfortreatment/understandingfinancialandlegalmatters/index?sitearea=MIT>
- <https://www.dol.gov/>
- <http://www.hhs.gov/hipaa/index.html>



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