

Recognizing and Responding to Discrimination at Work

breastcancer.org

Sometimes, because of misconceptions about cancer, people who've been treated for cancer may be treated differently at work. Biased actions, such as passing up a capable employee for a promotion, paying employees unequally for the same job, or even off-colored jokes or comments, can be considered discrimination. It's illegal for an employer to treat capable employees differently due to health status. Employees who believe they are being discriminated against because of a health issue are protected under the Americans with Disabilities Act (ADA) but only if the employer is aware of the health condition. If you believe you are being treated differently because of your breast cancer diagnosis, you might want to consider the following:

- **Talk with your supervisor or human resources department** if an incident occurred that has you concerned or makes you uncomfortable.
- **Document any incidents that seem discriminatory.** Include details of the event such as time, date, and anything that was said.
- **Keep a detailed work history**, complete with a list of accomplishments and goals met. Include hours worked and days off, with notes of shifts you covered for someone else or shifts others have covered for you.
- **Contact the U.S. Equal Employment Opportunity Commission (EEOC)** for more information on your rights. The EEOC enforces federal laws that prohibit job discrimination.
- **Don't miss your opportunity to file a complaint.** There is a standard time limitation of 180 days from the time the incident occurred to the time the formal complaint is filed. Some local or state laws may allow for up to 300 days from the original incident to file a complaint, depending on the situation. Contact the EEOC to find out more.
- **Consult a qualified discrimination lawyer.** A lawyer can give you information and guidance specific to your situation. Discuss with your lawyer the next steps to take in the process.