

Study compares discrimination claims of younger and older Americans with cancer

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Kinesiology and community health professor David Strauser and his colleagues found that younger and older adults with cancer differ in their experiences of employment discrimination. Credit: L. Brian Stauffer

Researchers assessed the employment discrimination claims made by

younger and older American adults with cancer and found substantial differences in the nature—and outcomes—of their claims.

Reported in the *Journal of Cancer Survivorship*, the research focused on Title I complaints made to the U.S. Equal Employment Opportunity Commission from 2009 to 2016. This included 1,001 claims from [cancer](#) survivors up to age 35 and 8,874 claims by adults over 35 with a history of cancer.

The Americans with Disabilities Act originally recognized that people with cancer and undergoing cancer treatment could experience declines in their physical and cognitive functioning. But these difficulties were thought to disappear at the end of treatment or when the cancer was in remission. The ADA was amended in 2009 to allow for the fact that even after treatment ends, people with a history of cancer and [cancer treatment](#) often experience lingering difficulties.

"Fatigue is the most common issue that people with cancer experience," said David Strauser, a professor of kinesiology and community health at the University of Illinois Urbana-Champaign who led the new research. "Also, chemotherapy can affect their ability to concentrate, to focus on details or to process information as fast as they used to."

Previous studies have found that "adult cancer survivors experience discrimination at a similar rate as other groups with disabilities," Strauser said. While several studies have focused on [older adults](#) with cancer in the workplace, the employment discrimination experiences of younger adults with cancer have been overlooked, he said.

A recent analysis of dozens of studies found that younger adult survivors of childhood cancer were nearly twice as likely to be unemployed as their healthy peers. Those with cancers of the central nervous system were nearly five times as likely to be unemployed.

All of the complaints that Strauser and his colleagues analyzed had been resolved by the EEOC—either by a finding of merit or with a determination that there was not enough evidence to proceed. The EEOC found that 26.6% of younger cancer survivors' claims had merit. Older adults with a history of cancer had a higher success rate; 31.4% of their claims were found to have merit.

The primary complaints of older and younger adults with cancer involved what they saw as unfair working terms and conditions, harassment, discipline, failure to accommodate their disabilities and wrongful termination of their employment.

But younger cancer survivors were more likely than their older peers to [claim](#) discriminatory treatment in regard to opportunities for training and promotion. They also brought significantly more claims relating to reinstatement—being allowed to return to their jobs after taking leave for treatment—and the writing of references to potential future employers.

"What we're seeing here is that younger [cancer survivors](#) have different needs related to employment than their older counterparts," Strauser said. "Their discrimination claims tend to be related to issues around their career advancement."

This finding suggests that employers may not be familiar with laws protecting the rights of people with disabilities that stem from chronic illness, Strauser said.

"I think employers get a lot of training and support on how to handle affirmative action issues and family leave for parents," he said. "But when it comes to disability in relation to chronic illness, they tend to be less versed, and we don't do a lot of training in that area. These results suggest we need to do more."

More information: David R. Strauser et al. The employment discrimination experiences of younger and older Americans with cancer under Title I of the Americans with Disabilities Act, *Journal of Cancer Survivorship* (2020). [DOI: 10.1007/s11764-020-00867-x](https://doi.org/10.1007/s11764-020-00867-x)

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