



Your Job and Your Rights: Diabetes Technology Accommodations in the Workplace

How the Law Protects Employees with Diabetes: Federal Anti-Discrimination Laws

- **The Americans with Disabilities Act:** Covers private employers and labor unions with 15 or more employees as well as state and local governments.
- **The Rehabilitation Act of 1973:** Applies to most federal government and employers receiving federal money.
- **The Congressional Accountability Act:** Covers employees of Congress and most legislative branch agencies.

There may be state and local laws that also protect your rights in the workplace.

What the Laws Do

These laws prohibit employers from discriminating against you if you have a disability, such as diabetes. They enable you to do your job comfortably and be protected from unequal treatment at work.

If you have a disability, your employer may need to make changes to enable you to safely do your job, including access to and use of management supplies such as an insulin pump or continuous glucose monitor (CGM).

Additionally, employers cannot treat you differently in hiring, firing, discipline, pay, promotion, job training, and fringe benefits just because you have diabetes. They also cannot punish you if you ask for what you need to meet job responsibilities or complain about unfair treatment.

Who Is Protected

To get help from these laws, you must have a disability. Individuals with diabetes have a disability because their endocrine system, a major life activity that helps regulate bodily functions, is substantially limited. In other words, your endocrine system does not work correctly because it does not make and/or use insulin properly. Walking, eating, and caring for one-self are examples of other major life activities that are substantially limited by diabetes.

Reasonable Accommodations & the Interactive Process

Employers may need to make changes at the workplace if you have a disability, including diabetes, to allow you to do your job and be treated fairly. These are called "reasonable accommodations." You can request reasonable accommodations from your employer.



Your request for accommodations triggers an “interactive process,” which means you and your employer will work together to come up with ways to enable you to do your job. Your employer may ask about what you need and discuss what they believe they can provide, in a back and forth with you, to best meet your individual needs. Your employer must give primary consideration to your preference. An employer’s refusal to engage in this process is similar to denying the accommodation and is unlawful.

Examples of common reasonable accommodations include:

- Breaks to check blood glucose (blood sugar) levels, eat a snack, take medication, or go to the bathroom
- Permission to keep diabetes supplies and food nearby in a temperature-controlled environment, including back-up supplies if a CGM or pump fails
- Excused absences, late arrivals, early departures, or use of leave time for medical appointments, treatment, recovery, or training on managing your diabetes
- A different work schedule or a standard shift instead of a rotating shift
- Modifications to workplace policies, such as those that may typically ban cell phone use or eating at work
- Permission to use a chair or stool while working
- Permission to use large-screen computer monitors or other assistive devices

Your accommodations will depend on your individual needs. Most people with diabetes only need small changes that cost the employer little or nothing. However, employers do not need to provide accommodations that cause them undue hardship.

Undue hardship means significant, non-trivial difficulty or expense and must be assessed on a case-by-case basis based on both the nature of the accommodation and the employer. An accommodation is not considered an undue hardship just because it is inconvenient or entails a nominal cost to the employer.

Using CGMs and Insulin Pumps at Work

CGMs and insulin pumps are new developments in diabetes management. Under federal law, using these devices and keeping back-up supplies nearby may be a reasonable accommodation.

These devices often require cell phone or Wi-Fi access. Although certain workplaces limit cell phone use, U.S. Equal Employment Opportunity Commission (EEOC) guidance states that modifications to these policies for a person’s disability can be a reasonable accommodation. Such a modification would be discussed in the interactive process and would only require the employer to modify the policy for you, not the whole organization.



What to Do in a Secured Setting

Certain jobs occur in secured settings, where employers may argue that access to cell phones, the internet, or other technology on the job implicates security or other concerns. Your employer must still engage in the interactive process to see if together, there is a reasonable accommodation that could meet your needs while addressing those concerns. For example, in a secure setting, you may want to consider:

- 1** Disabling internet access on the device and relying only on Bluetooth
- 2** Using a receiver/controller without internet access for your CGM or pump instead of a cell phone
- 3** Install the glucose monitoring app on a secured device, such as a computer or phone, provided by your employer
- 4** Use an older version of the CGM or pump that lacks connectivity features but allows monitoring on something other than a cell phone
- 5** Use your work number as a point of contact for family members who have diabetes in case of an emergency or questions regarding their care

You may want to think creatively and discuss alternatives to your current technology or regimen with your health care provider. You and your health care provider should discuss what is right for you that still enables you to be safe and healthy at your workplace.

These are just some of the examples. To learn more about accommodations in the workplace, go to diabetes.org/EmploymentDiscrimination. If you believe you are being discriminated against at work or want more information, contact the American Diabetes Association® at **1-800-DIABETES (800-342-2383)** or email **AskAda@diabetes.org**.