

LEGAL EAGLE EYE NEWSLETTER

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Chemical Sensitivity: Court Finds Support For Nurse's Disability Discrimination Case.

After she was hired but before she started to work at the hospital a registered nurse completed a human-resources intake form revealing that she was allergic to amylcinnamaldehyde, a chemical found in some perfumes and household cleaning products.

She did not, however, obtain and turn in a letter from her physician corroborating that she had the condition or explaining its seriousness.

After suffering through four separate allergic reactions on the job she was able to trace the source to a detergent occasionally used to wash linens.

Doing the laundry was not her job but the nurse at times did have to go to the laundry room to wash items she needed right away like slings, compression hose and lifts.

It made no difference which detergent she used; if the noxious chemical was anywhere in the laundry room it set off her allergy.

She finally got a letter from her physician and asked the hospital to change to another detergent and to remove this one from the laundry room.

The hospital declined her requested accommodation. She was terminated at the end of her new-hire probationary period.

She filed suit against the hospital for disability discrimination.



Unless her employer is willing to accommodate her chemical sensitivity this nurse cannot work as a nurse or, for that matter, in any other job in the workforce.

Her allergy is a significant impairment of a major life activity, that is, it is a disability as disability is defined for purposes of the US Americans With Disabilities Act (ADA).

UNITED STATES DISTRICT COURT

VIRGINIA

December 29, 2008

The US District Court for the Eastern District of Virginia found grounds for a disability-discrimination lawsuit.

Her condition was a disability as contemplated by the Americans With Disabilities Act (ADA) because she was flatly unable to work anywhere at all without risking major respiratory problems unless her employer accommodated her sensitivity to the particular chemical.

Disabled, But Able To Work With Reasonable Accommodation

After she left the hospital her subsequent hospital employers were willing to do as she asked. They removed products containing the substance or strictly limited it to areas she did not have to access. She was then able to work without any problem.

In the legal analysis that proved the nurse was a qualified individual with a disability. A qualified individual with a disability is able to work despite the disability, with or without reasonable accommodation, and is fully protected by the ADA.

She could not work without reasonable accommodation from her employer, reasonable accommodation being changing to a different cleaning product and keeping the noxious product completely out of her work area. But with reasonable accommodation she could work effectively. ***Bridges v. Reinhard***, 2008 WL 5412843 (E.D. Va., December 29, 2009).

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