



Accommodation and Compliance Series

Employees with Fragrance Sensitivity

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A service of the U.S. Department of Labor's Office of Disability Employment Policy

Preface

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JAN'S ACCOMMODATION AND COMPLIANCE SERIES

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <http://AskJAN.org/soar>.

Information about Fragrance Sensitivity

What is fragrance sensitivity?

Fragrance sensitivity is either an irritation or an allergic reaction to some chemical, or combination of chemicals, in a product. Although perfumes and colognes are generally what come to mind when discussing fragrance sensitivity, fragrance is often added to a variety of daily use items including but not limited to toiletries, cosmetics, air fresheners, cleaning products, and pesticides. Materials used in fragrance are not required to be disclosed on labels, which can make it difficult to identify the ingredient or product that is responsible for the sensitivity ("Fragranced Products," 2009).

Regardless of what the specific allergen is or whether it has been identified, common reactions to exposure include headaches, respiratory problems, asthma, and skin irritations. Individuals who already have allergies or asthma may be more sensitive to fragrances and may experience an exacerbation of symptoms when exposed to fragranced products (Rodriguez, 2011). Some effects of exposure to fragranced products can be immediate and transitory while others may be chronic and long lasting. For some individuals, exposure to any scent can cause a reaction while for others it may be that only a stronger scent triggers a reaction. Individuals with fragrance sensitivity can become increasingly sensitized over time to the point they cannot tolerate any exposure (Immen, 2010).

What are the symptoms of fragrance sensitivity?

There are two types of allergy symptoms due to fragrance sensitivity - respiratory or skin allergy symptoms. Symptoms of fragrance sensitivity can include headaches, nausea, and a skin allergy like contact dermatitis, which causes redness, itching, and

burning. Watery, itching, burning, and red eyes; sneezing; runny nose; and congestion are also common. In some cases, individuals experience breathing difficulties, such as wheezing, a tight feeling in the chest, or worsening of asthma symptoms. Frequency and level of sensitivity can differ from one individual to another and identifying the exact cause of the irritation or allergy can be difficult because of the complex chemical formulas in many everyday use products (Rodriguez, 2011; Stone, 2010).

How is fragrance sensitivity prevented and treated?

The potential for exposure can be high as fragrances are added to a multitude of everyday products and there has been an increase in the amount of time spent in indoor environments. Those with asthma, allergies, or other respiratory disorders may be more susceptible to the effects of fragranced products at levels that are much lower than what might cause problems for those in the general population (Lamas, Sanchez-Prado, Garcia-Jares, & Llompart, 2010). The best way to prevent fragrance sensitivity is to remove, block, or avoid the offending substance. Discussing the fragrance sensitivity with people at work and at home also can help to limit exposure to other people's fragrances.

Because there is no requirement for manufacturers to list all the ingredients in their products, finding a product that is truly fragrance free can be challenging. Even some products that are labeled as being "unscented" or "fragrance free" contain herbal ingredients or oils from botanicals. It is important to carefully read labels and some may want to consult with an allergist or dermatologist for recommendations and suggestions for selecting the right products ("Fragrance Allergy," 2010). The U.S. Environmental Protection Agency's (EPA) Design for the Environment (DfE) program helps identify cleaning and other products that have been determined to be effective and safer for human health and the environment (EPA, 2012). These products carry the DfE label and a list of all partners and products recognized under the DfE Safer Product Labeling Program can be found at: <http://www.epa.gov/dfe/index.htm>.

As awareness of the physical effects of fragrance sensitivities continues to grow, so do the number of manufacturers of products that are natural and free of fragrances.

Fragrance Sensitivity and the Americans with Disabilities Act

Is fragrance sensitivity a disability under the ADA?

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet (EEOC Regulations . . . , 2011). Therefore, some people with fragrance sensitivity will have a disability under the ADA and some will not.

A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having an impairment (EEOC Regulations . . . , 2011). For more information about how

to determine whether a person has a disability under the ADA, visit <http://AskJAN.org/corner/vol05iss04.htm>.

Is an employer required to implement a fragrance policy as an accommodation?

Under the ADA, an employer may not be required to totally ban fragrances from the workplace because of the difficulty of enforcing such a ban, especially when the public has access to the workplace. The exception is when the fragrance is unique to the work environment, minimal, and/or the employer has more control over it. For example, using unscented cleaning products or discontinuing the use of air fresheners.

Some employers are choosing to have a voluntary fragrance-free policy, educating employees about fragrance sensitivities and requesting employees to voluntarily refrain from wearing fragrances. Employers who have concerns about the legalities of implementing a fragrance-free policy as an accommodation should consult an appropriate legal professional.

Accommodating Employees with Fragrance Sensitivity

(Note: People with fragrance sensitivity may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with fragrance sensitivity will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.)

Questions to Consider:

1. What limitations is the employee with fragrance sensitivity experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Has the employee with fragrance sensitivity been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee with fragrance sensitivity to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding fragrance sensitivity?

Accommodation Options:

When dealing with fragrance sensitivity, there are really 3 main options to consider as accommodations:

- 1) Remove the offending fragrances.

When possible, an employer should try to remove the offending fragrance, especially if the fragrance is unique to the work environment, minimal, and/or the employer has more control over it. However, as mentioned earlier, under the ADA it is probably not reasonable for an employer to have and enforce a total no-fragrance policy because it is difficult if not impossible to enforce, especially if non-employees such as clients and volunteers come into the workplace.

- 2) Remove the employee from the area where the fragrances are located.

When it is not possible to remove the offending fragrance, an employer may be able to move the employee away from the fragrance. This usually means working at home or in a private office with no exposure to coworkers, clients, or other members of the public. Regarding work at home, unless the employee wants to work at home, other options should be explored first to keep the employee in the workplace.

3) Reduce the employee's exposure to the fragrances.

If the offending fragrance cannot be removed and the employee cannot be moved completely away from the fragrance, it may be possible to reduce the employee's exposure to an acceptable level. This usually means a private office with its own ventilation and minimum exposure to others. It can also mean allowing the individual to wear a mask or respirator. Some individuals are able to wear masks/respirators while others are not or may not be comfortable wearing them. Employers should keep in mind that they cannot force an employee to use a mask/respirator.

Accommodation Ideas:

- Maintain good indoor air quality
- Discontinue the use of fragranced products
- Use only unscented cleaning products
- Provide scent-free meeting rooms and restrooms
- Modify workstation location
- Modify the work schedule
- Allow for fresh air breaks
- Provide an air purification system designed specifically for the irritant in question (e.g., colognes versus smoke)
- Modify communication methods
- Modify or create a fragrance-free workplace policy
- Telework

For information about improving indoor air quality, see "An Office Building Occupant's Guide to Indoor Air Quality" at <http://www.epa.gov/iaq/pubs/occupgd.html>.

For more detailed information about air cleaning systems, try these resources: <http://AskJAN.org/cgi-win/OrgQuery.exe?Sol955>.

If no accommodations are possible in the current job, the next thing is to consider a reassignment where an accommodation could be made.

Sample Policy Language:

The following are examples of fragrance-free workplace policy statements.

Anonymous City Law Enforcement Agency Policy: "To reasonably accommodate bureau employees who have written memoranda documenting chemical sensitivity to perfume, employees will wear no perfume or cologne during business hours when they are scheduled to be within the bureau during their shift. This policy will not affect those bureau employees who are in an off-site training class, on city business, or out of the office for an entire shift."

Anonymous Employer: "(Name of employer) strives to ensure the comfort and safety of staff and visitors by encouraging a smoke free and fragrance free environment."

Anonymous State Community Development Agency, Employee Administrative Bulletin: "Given that chemically sensitive individuals may react to different products with widely varying degrees of severity, it is very difficult to ensure a consistently comfortable and accommodating work environment under every conceivable set of circumstances. Even so, it is the general consensus of the Labor/Management Committee and the desire of the (company name) to minimize to the extent possible the barriers and difficulties experienced in the workplace by both employees and clients subject to chemical/fragrance sensitivities. The (company name) requests that all offices and spaces used by the staff and their visitors remain free of chemical-based scented products."

Anonymous Employer, Staff Memo from Executive Director: "I ask that we refrain from applying spray colognes, hairsprays, and or air fresheners in the office, as the use of such products may trigger allergic reactions and create health problems."

Anonymous Employer, Administrative Manual Policy, Subject: Employee Appearance: "Cologne, perfume, aftershave lotions, scented lotions, or body washes are not to be worn in the Medical Center."

State Protection and Advocacy Agency: "This is a fragrance free office. Thank you for not wearing any of the following: cologne, after shave lotion, perfume, perfumed hand lotion, fragranced hair products, and/or similar products. Our chemically-sensitive co-workers and clients thank you."

Anonymous Employer: "This is a fragrance free office. Please help us to accommodate our co-workers and clients who are chemically sensitive to fragrances and other scented products. Thank you for not wearing perfume, aftershave, scented hand lotion, fragranced hair products, and or similar products."

Anonymous Employer, Memo to All Staff: "You may have noticed the signs up on the front door and on the library doors stating that this is a fragrance-free office. Please cooperate with this request because there are several of us on staff and visitors to our

office who are chemically sensitive to varying degrees. Our bodies have a hard time when we come into contact with a variety of chemicals and each episode takes its toll on our bodies. Please use only unscented products during work hours. This does not include deodorant or bath soap at this time."

U.S. Access Board: "Under this policy, the Board requests that all participants refrain from wearing perfume, cologne, and other fragrances, and use unscented personal care products in order to promote a fragrance-free environment. This request is included in notices and on displayed signage for the Board's meetings, hearings, and other public events. In addition, the Board will work with the operators of meeting sites to prevent the use of deodorizers and cleaning products immediately before the event in and around meeting locations."

The Access Board is an independent Federal agency devoted to accessibility for people with disabilities. The Board has adopted a policy to promote access for individuals who are sensitive to fragrances <http://www.access-board.gov/the-board/policies/fragrance-free-environment>.

Products:

Use JAN's Searchable Online Accommodation Resource (SOAR) to find accommodation ideas and products related to fragrance sensitivity. Visit SOAR at AskJAN.org/soar. Also, contact JAN directly to discuss a specific accommodation situation, for product information, or for an appropriate referral.

Resources

Job Accommodation Network

West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Toll Free: (800)526-7234
TTY: (877)781-9403
Fax: (304)293-5407
jan@AskJAN.org
<http://AskJAN.org>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Office of Disability Employment Policy

200 Constitution Avenue, NW, Room S-1303
Washington, DC 20210
Toll Free: (866)633-7365
TTY: (877)889-5627
Fax: (202)693-7888
<http://www.dol.gov/odep/>

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

Environmental Health Network

P.O. Box 1155
Larkspur, CA 94977-1155
Direct: (415)541-5075
<http://www.ehnca.org>

Environmental Health Network (EHN) was one of the first organizations to support and advocate on behalf of the chemically injured. EHN has a Support and Information Line (SAIL), a newsletter, The New Reactor, and a Website with extensive resources pertaining to chemical injury, including fragrance sensitivity.

Indoor Air Quality Information Clearinghouse

National Service Center for Environmental Publications (NSCEP)

Toll Free: (800)490-9198

Fax: (301)604-3408

nscep@bps-lmit.com

<http://www.epa.gov/iaq/pubs/index.html>

The Indoor Air Quality Information Clearinghouse is a Web resource that provides links to articles on indoor air quality.

Women for a Healthy Environment

1405 Shady Avenue

Pittsburgh, PA 15217-1350

Direct: (412)420-2290

Fax: (412)420-4450

michelle@womenforahealthyenvironment.org

<http://www.womenforahealthyenvironment.org>

We are a representation of women from western Pennsylvania. Some of us are community volunteers; some of us represent concerned non-profit organizations; and some of us represent area foundations and corporations; all of us are interested in making western Pennsylvania as strong and healthy as it can be. Women for a Healthy Environment focuses on educating the general public on issues associated with food and consumer product safety, including sources of possible exposure to environmental toxins. We also collaborate with like-minded organizations to raise awareness on various water quality and air quality issues in our region.

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