

# JAN

Job Accommodation Network

Practical Solutions • Workplace Success

## Accommodation and Compliance Series

# Accommodation and Compliance Series: Employees with Food Allergies

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Employment Policy, U.S. Department of Labor

## Preface

The Job Accommodation Network (JAN) is funded by a grant from the Office of Disability Employment Policy, U.S. Department of Labor. JAN makes documents available with the understanding that the information be used solely for educational purposes. The information is not intended to be legal or medical advice. If legal or medical advice is needed, appropriate legal or medical services should be contacted.

JAN does not endorse or recommend any products or services mentioned in this publication. Although every effort is made to update resources, JAN encourages contacting product manufacturers/vendors and service providers directly to ensure that they meet the intended purposes. This guarantees that the most up-to-date information is obtained.

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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 <https://AskJAN.org/soar>.

### **Information about Food Allergy**

A food allergy occurs when a person's immune system decides that a particular food is harmful and so creates specific antibodies to it. The next time the individual is exposed to that food, the immune system releases massive amounts of chemicals to protect the body. These chemicals trigger a cascade of allergic symptoms that can affect the respiratory system, gastrointestinal tract, skin, or cardiovascular system. Symptoms range from a tingling sensation in the mouth, swelling of the tongue and the throat, difficulty breathing, hives, vomiting, abdominal cramps, diarrhea, drop in blood pressure, and loss of consciousness to death. Symptoms typically appear within minutes to two hours after the person has eaten the food to which he or she is allergic.

Although a person can be allergic to any food, there are eight foods that account for most of all food allergy reactions. These are milk, eggs, peanuts, tree nuts, fish, shellfish, soy, and wheat. Currently, there are no medications that cure food allergies. Strict avoidance of the allergy-causing food is the only way to avoid a reaction.

### **Food Allergy and the Americans with Disabilities Act**

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. 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. For more information about how to determine whether a person

has a disability under the ADA, see [How to Determine Whether a Person Has a Disability under the Americans with Disabilities Act Amendments Act \(ADAAA\)](#).

## **Accommodating Employees with Food Allergy**

People with food allergies 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 food allergy 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.

### **General Accommodation Considerations**

#### **Implement a Policy Restricting Certain Foods from the Workplace**

Note: While implementing policies restricting certain foods is not fail-safe, it may help to reduce exposure.

- Post signs at entrances to the building and in hallways, restrooms, waiting rooms, classrooms, and cafeterias alerting people that certain foods are restricted due to a severe food allergy.
- Send memos to employees mentioning that if a person has eaten the offending food to let others know so the proper precautions may be taken. Some allergic reactions have occurred when a person has contact with someone who has eaten an offending food.
- Send occasional memos encouraging compliance with the policy.
- Enforce the policy with consequences for violations.

#### **Sample Policy Language**

- Memo to staff: "You may have noticed the signs up on the front door stating that this is a peanut and tree nut-free workplace. Please cooperate with this request because there are several of us on staff who are sensitive to peanuts and tree nuts to varying degrees. Our bodies have a hard time when we come into contact with these foods, and they may even cause anaphylaxis or death. If you have consumed peanuts, tree nuts, or other foods containing these products, please let [the receptionist, the manager, the HR person, etc.] know so we can take appropriate precautions."
- Sign posted at business entrance: "This is a peanut and tree nut-free office. Please help us to accommodate our co-workers and clients who are allergic to these foods. Thank you for not bringing these items into the workplace."

#### **Modify Workplace Policies**

- Allow employee to eat at his/her desk or in his/her office or allow extra time during lunch so the employee may go home to eat.

- Permit flexible scheduling so the employee with a food allergy may work when less people are present in the workplace to decrease possible exposure.
- Relocate employee's workspace to reduce possibility of exposure to offending foods.

### **Traveling for Work**

- Research current airline policies regarding snacks served on the plane; some airlines do not serve peanut snacks.
- Allow employees who travel for work to stay overnight in hotels with refrigerators in the rooms so they may bring their own food.

### **Recurrent Need for Medical Intervention**

- Permit flexible scheduling.
- Allow a self-paced workload with flexible hours.
- Provide time off for medical appointments.
- Consider work from home.
- Allow additional unpaid leave if employee exhausts accrued time off.

### **Create an Emergency Plan of Action**

- Conduct a training session to educate employees on food allergies.
- Discuss the proper steps to take in an emergency situation, e.g., how to call 911.
- Discuss the signs and symptoms of an anaphylactic reaction, which may include a tingling sensation in the mouth, swelling of the tongue and the throat, difficulty breathing, hives, vomiting, abdominal cramps, diarrhea, dizziness, and loss of consciousness.
- Allow an employee to keep medication with him/her at all times.
- Note that an employee with a food allergy may wear a medical alert necklace or bracelet.

### **Questions to Consider:**

1. What limitations is the employee 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. Once accommodations are in place, would it be useful to meet with the employee to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
6. Do supervisory personnel and employees need training?

## **Accommodation Ideas:**

### **Limitations**

#### Coughing Excessively

- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Noise Abatement
- Policy Modification
- Telework, Work from Home, Working Remotely
- Worksite Redesign / Modified Workspace

#### Dietary Needs

- Flexible Schedule
- Mini Refrigerators/ Electric Coolers
- Policy Modification

#### Headache

- Air Cleaners & Purifiers
- Cubicle Doors, Shields, and Shades
- Flexible Schedule
- Job Restructuring
- Marginal Functions
- Modified Break Schedule
- Telework, Work from Home, Working Remotely

#### Nausea

- Flexible Schedule
- Mini Refrigerators/ Electric Coolers
- Odor Control
- Telework, Work from Home, Working Remotely

#### Respiratory Distress/Breathing Problem

- Air Cleaners & Purifiers
- Air Cleaners - Chemical/Odor Removal
- Air Cleaning Systems

- Air Purifiers for Multiple Chemical Sensitivity
- Alternative Cleaning Supplies
- Augmentative and Alternative Communication (AAC) Device
- Carpet Alternatives, Sealants, and Sustainable Flooring
- Escape Hoods
- Flexible Schedule
- Floor Cleaning/Stripping Products - Chemical Sensitivity
- Low/No Odor Paints and Stains
- Mask Brackets and Frames
- Masks - Respirator
- Masks – General/Chemical/Allergen
- Odor Control
- Outgoing Voice Amplification - Telephone
- Personal Air Cleaner (Neckworn)
- Personal On-Site Paging Devices
- Powered Air Purifying Respirator (PAPR)
- Telework, Work from Home, Working Remotely
- Voice Amplification

#### Skin Rash/Blisters/Sores

- Disability Awareness/Etiquette Training
- Job Restructuring
- Policy Modification

#### **Work-Related Functions**

##### Air Quality/Irritants

- Air Cleaners & Purifiers
- Air Cleaners - Chemical/Odor Removal
- Air Cleaning Systems
- Air Purifiers for Multiple Chemical Sensitivity
- Flexible Schedule
- Masks - Smoke Allergy

- Masks – General/Chemical/Allergen
- Powered Air Purifying Respirator (PAPR)
- Masks - Respirator
- Telework, Work from Home, Working Remotely

## Policies

- Additional Training Time / Training Refreshers
- Aide/Assistant/Attendant
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Flexible Schedule
- Marginal Functions
- Modified Break Schedule
- Periodic Rest Breaks
- Physical/Social Distancing Signage
- Policy Modification
- Reassignment
- Service Animal
- Sleep Alerting Devices
- Strobe Lights
- Supervisory Methods
- Support Animal
- Telework, Work from Home, Working Remotely
- Touchless Faucets

## Products

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource at <https://AskJAN.org/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.



## Resources

### **Job Accommodation Network**

West Virginia University  
PO Box 6080  
Morgantown, WV 26506-6080  
Toll Free: (800) 526-7234  
TTY: (304) 293-7186  
Fax: (304) 293-5407  
[jan@askjan.org](mailto:jan@askjan.org)  
<https://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  
[odep@dol.gov](mailto:odep@dol.gov)  
<https://www.dol.gov/agencies/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.

### **American Academy of Allergy Asthma & Immunology**

555 East Wells Street  
Suite 1100  
Milwaukee, WI 53202-3823  
Direct: (414) 272-6071  
[info@aaaai.org](mailto:info@aaaai.org)  
<http://www.aaaai.org/home.aspx>

The American Academy of Allergy, Asthma & Immunology is dedicated to the advancement of the knowledge and practice of allergy, asthma and immunology for optimal patient care.

**American College of Allergy, Asthma, & Immunology**

85 West Algonquin Road  
Suite 550  
Arlington Heights, IL 60005  
Direct: (847) 427-1200  
Fax: (847) 427-1294  
[mail@acaai.org](mailto:mail@acaai.org)  
<http://acaai.org/>

**Asthma and Allergy Foundation of America**

8201 Corporate Drive  
Suite 1000  
Landover, MD 20785  
Toll Free: (800) 727-8462  
[info@aafa.org](mailto:info@aafa.org)  
<http://www.aafa.org/>

The Asthma and Allergy Foundation of America (AAFA) is the premier patient organization dedicated to improving the quality of life for people with asthma and allergies and their caregivers, through education, advocacy and research. AAFA, a not-for-profit organization founded in 1953, provides practical information, community based services, support and referrals through a national network of chapters and educational support groups. AAFA also sponsors research toward better treatments and a cure for asthma and allergic diseases.

**Centers for Disease Control and Prevention**

1600 Clifton Rd  
Atlanta, GA 30333  
Toll Free: (800) 232-4636  
<https://www.cdc.gov/>

The Centers for Disease Control and Prevention are dedicated to protecting the health and safety of people - at home and abroad, providing credible information to enhance health decisions, and promoting health through strong partnerships.

### **Food Allergy Research & Education**

7925 Jones Branch Dr.,  
Suite 1100  
McLean, VA 22102  
Toll Free: (800) 929-4040  
Fax: (703) 691-2713  
<http://www.foodallergy.org/>

The goal of the Food Allergy and Anaphylaxis Network is to raise public awareness, to provide advocacy and education, and to advance research on behalf of all those affected by food allergies and anaphylaxis.

### **International Foundation for Functional Gastrointestinal Disorders**

PO Box 170864  
Milwaukee, WI 53217  
Toll Free: (888) 964-2001  
Direct: (414) 964-1799  
Fax: (414) 964-7176  
[iffgd@iffgd.org](mailto:iffgd@iffgd.org)  
<http://www.iffgd.org/>

The International Foundation for Functional Gastrointestinal Disorders (IFFGD) is a Public Charity designated under the U.S. IRS code 501(c)(3). We are a nonprofit education and research organization dedicated to informing, assisting, and supporting people affected by gastrointestinal (GI) disorders.

**Kids With Food Allergies**

5049 Swamp Rd, Ste 303

PO Box 554

Fountainville, PA 18923

Direct: (215) 230-5394

Fax: (215) 340-7674

<http://www.kidswithfoodallergies.org/>

Kids With Food Allergies improves the day-to-day lives of families raising children with food allergies and empower them to create a safe and healthy future for their children.

**MedlinePlus**

8600 Rockville Pike

Bethesda, MD 20894

[custserv@nlm.nih.gov](mailto:custserv@nlm.nih.gov)

<https://medlineplus.gov>

MedlinePlus is the National Institutes of Health's Web site for patients and their families and friends. Produced by the National Library of Medicine, the world's largest medical library, it brings you information about diseases, conditions, and wellness issues in language you can understand. MedlinePlus offers reliable, up-to-date health information, anytime, anywhere, for free.

**National Center for Biotechnology Information**

8600 Rockville Pike

Bethesda, MD 20894

[pubmedcentral@ncbi.nlm.nih.gov](mailto:pubmedcentral@ncbi.nlm.nih.gov)

<https://www.ncbi.nlm.nih.gov/>

The National Center for Biotechnology Information advances science and health by providing access to biomedical and genomic information.

## **National Institute of Allergy and Infectious Diseases**

5601 Fishers Lane

MSC 9806

Bethesda, MD 20892-9806

Toll Free: (866) 284-4107

Direct: (301) 496-5717

Fax: (301) 402-3573

[ocpostoffice@niaid.nih.gov](mailto:ocpostoffice@niaid.nih.gov)

<http://www.niaid.nih.gov/Pages/default.aspx>

NIAID conducts and supports basic and applied research to better understand, treat, and ultimately prevent infectious, immunologic, and allergic diseases.

## **National Jewish Health**

1400 Jackson Street

Denver, CO 80206

Toll Free: (877) 225-5654

Direct: (303) 388-4461

<http://www.nationaljewish.org/>

National Jewish Health is known worldwide for treatment of patients with respiratory, cardiac, immune and related disorders, and for groundbreaking medical research. Founded in 1899 as a nonprofit hospital, National Jewish Health remains the only facility in the world dedicated exclusively to these disorders. *U.S. News & World Report* has ranked National Jewish Health as the number one or number two hospital in pulmonology on its Best Hospitals list ever since pulmonology was included in the rankings.

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