

Fact Sheet Series

Dealing With Hygiene Problems in the Workplace

JAN'S ACCOMMODATION FACT SHEET SERIES

DEALING WITH HYGIENE PROBLEMS IN THE WORKPLACE

Employers are often uncomfortable dealing with hygiene problems such as body odor, incontinence, or inappropriate clothing. Some employers try to deal with these problems indirectly by sending anonymous notes or leaving soaps and deodorants on the employee's desk. Unfortunately, ignoring hygiene problems or dealing with them indirectly may allow them to continue until they start interfering with the work of other employees or driving customers away. For employers who want to deal with hygiene problems directly, the following suggestions may be useful.

Where to Begin:

Employers may want to first decide who will deal with hygiene problems when they arise (e.g., human resources or the employee's direct supervisor). The person chosen to deal with the problem should verify that the problem exists, by either making sure information about the problem came from a reliable source or through direct interaction with the employee who has the problem. Before talking with the employee, the employer should decide whether the source of the information will be provided to the employee, be prepared to discuss details about the problem, and be familiar with company policy and procedure related to such issues.

Discussing the Problem:

Once the employer is prepared to meet with the employee, the next step is to choose a place and time to meet. The meeting should be in a private area with enough time set aside for the employee to regain his/her composure, if needed, before returning to work.

When discussing the problem with the employee, the employer should be sensitive but direct, letting the employee know that he/she has a hygiene problem that must be addressed. In some cases, the employee may be unaware that a problem exists and may need specific information about what the problem is. The employer may need to describe the problem (e.g., smell of urine or feces, urine or feces left on office chairs, odor from flatulence, smell of sweat, bad breath, disheveled appearance) and let the employee know how it is affecting the workplace (e.g., bothering coworkers, customers complaining).

The employer should also let the employee know what is expected (e.g., when must the problem be fixed, what happens in the meantime, and what follow up will take place). If there is a specific company policy that addresses the issue, the employer should point it out or provide a copy. The employer also may want to make a general statement such as, "If I can help you resolve this problem, please let me know."

If the employee has a disability, the employer should not assume that the hygiene problem is disability-related. There may be other causes for the problem besides the disability, such as personal problems, financial problems, cultural differences, or simply

a failure to bathe. If the employee does not indicate that the problem is related to a disability, then the employer should proceed according to company policy. If the employee does indicate that the problem is related to a disability, then the employer should initiate an interactive process to determine whether the Americans with Disabilities Act (ADA) applies and whether there are accommodations that may resolve the problem.

The ADA applies when an employer has at least 15 employees and the employee meets the ADA definition of disability. Employers may need to request medical information to help determine whether an employee has a disability and to help determine accommodation options.

For information about how to determine whether an employee has a disability under the ADA, visit: <http://askjan.org/corner/vol02iss04.htm>.

For information about medical inquiries in response to an accommodation request, visit: <http://askjan.org/media/medical.htm>.

Accommodations:

If the employee has a qualifying disability and the employer is covered by the ADA, the employer must consider accommodations. In some cases, an employee may be able to overcome a hygiene problem through medical treatment. In such cases, the only accommodations needed may be flexible scheduling or leave time for treatment. In other cases, the problem may not be correctable and the employer must consider other accommodation options. If the employee's job does not require in-person interaction with coworkers or customers, it might be a reasonable accommodation to modify the hygiene policy for the employee. On the other hand, if the employee's job does require in-person interaction with coworkers and customers, the employer needs to explore accommodation options to reduce or eliminate the problem. If there are no accommodations, the employer does not have to allow the employee to continue working in his/her current job if the problem is affecting business. However, the employer should consider reassigning the employee to a job that does not involve in-person contact if one is available.

For additional information regarding possible accommodations for body odor, visit: <http://askjan.org/soar/other/bodyodor.html>.

Updated 3/23/10.

This document was developed by the Job Accommodation Network, funded by a contract agreement from the U.S. Department of Labor, Office of Disability Employment Policy (DOL079RP20426). The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Labor. Nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Department of Labor.