
Fragrance Sensitivity

The Job Accommodation Network (JAN), part of the Office of Disability Employment Policy of the Department of Labor defines fragrance sensitivity as “either an irritation or an allergic reaction to some chemical, or combination of chemicals, in a product.” When it comes to fragrance sensitivity most people think of perfumes or colognes as the culprit, but numerous products (e.g., air fresheners, cosmetics, toiletries, cleaning products, etc.) have scents added to them. Companies are not required to disclose the ingredients in fragrances, so it can be difficult to identify which products can cause sensitivity.

Symptoms of fragrance sensitivity can take the form of respiratory problems or skin allergy symptoms. People who suffer from asthma or other respiratory disorders may experience a worsening of symptoms and may be more susceptible to fragrance sensitivity. Common symptoms include nausea, headaches, skin rashes, watery/burning eyes, sneezing, runny nose, and congestion. Severity and frequency will vary depending on the affected individual and their level of exposure.

ADA Considerations

Fragrance sensitivity can be considered a disability under the Americans with Disabilities Act (ADA). As such, reasonable accommodations need to be made for people suffering from these conditions who meet the ADA general definition of disability (42 U.S. Code § 12102). A recent court ruling, *McBride v. the City of Detroit* found that senior city manager Susan McBride was covered under the ADA for her chemical sensitivity because it interfered with the major activity of breathing. A factor in the ruling of this case was that the Detroit HR department refused to accommodate McBride’s request and made no attempt to find a reasonable accommodation.

Reasonable Accommodations

The ADA may not require employers to to ban all fragrances from the workplace as enforcing such a ban would prove difficult, especially in places open to the public. However, the following accommodations may be considered:

- Moving the employee’s work location to an area with a closed door and a clean-air filter.
- Creating a fragrance-free zone or floor.
- Using unscented cleaning products.
- Creating a fragrance-free bathroom or break room.
- Allowing fresh-air breaks.
- Adopting a fragrance-free workplace policy.
- Allowing the employee to phone in for meetings with a higher likelihood of exposure to fragrances.
- Allowing the employee to telework.

In situations where the fragrance is unique to the workplace or if it is something that the employer has control over such as the use of scented cleaning products or air fresheners, the employer should try to remove the offending fragrance.

What This Means for Counties

In situations where an ADA accommodation is necessary, it is important to work with the affected individual to find a mutually beneficial arrangement. Fragrance sensitivity is recognized under the ADA and should be treated with the same consideration as other disabilities. For more information on ADA compliance or what constitutes a reasonable accommodation, contact CTSI at 303 861 0507. 