



Other Issues Related to Hepatitis B

# Hepatitis B in the Workplace

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## The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, as well as in other circumstances. If you have hepatitis B virus (HBV), the ADA provides some protection in the workplace, but there are limits to what it does.

- You cannot be terminated from employment solely because of having hepatitis B.
- A hepatitis B diagnosis is not an automatic disability. The ADA protects “qualified individuals with disabilities.” A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual, and it must be permanent or long-lasting.
- The ADA assists people who can work, especially if reasonable accommodations are made to enable them to continue at their job. For instance, you may not be disabled by hep B, but treatment for it may affect your work. Reasonable accommodations may include time off for medical appointments, paid or unpaid leave, and redistribution of responsibilities to help you keep your job while undergoing treatment. Accommodations must not cause undue hardship to the employer.
- If you do not perform your job, even if it is because of a disability, your employment can be legally terminated.
- The ADA does not protect people who cannot work due to a disability.
- The ADA only applies to U.S. employers with 15 or more employees.

If you are applying for a job, potential employers do not have the right to make specific inquiries about your health or the existence of a disability before making a job offer. They may ask if you are aware of any physical limitation that would interfere with your ability to perform the main aspects of the job, and you are legally obligated to tell the truth. If you are already employed, workplace disclosure of your hepatitis B status is usually unnecessary and potentially risky unless your medical condition interferes with your ability to perform your job. Use extreme caution when

disclosing to coworkers. Hepatitis B is stigmatized and some people react strongly out of fear or ignorance.

If hep B does interfere with your work, particularly if your job is in jeopardy, talk to your human resources department. This disclosure may protect you from termination. However, you do not need to be specific about your HBV status. You may be vague, and only need to disclose enough to explain why you aren't performing up to your usual standards. It may help to provide a letter from your doctor stating that you suffer from a chronic condition, detailing how it might affect job performance. Information given to the Human Resources Department is confidential. But it won't hurt to remind them that you do not want this information disclosed to anyone without your permission. If you and your employer arrive at an agreement about ways to accommodate your situation, ask for it in writing.

To learn more about workplace protection, consult the [ADA regulations](#) or a benefits counselor.

Some states offer more protection than the national ADA laws, so check with your local health department or disability office about laws specific to your state.

If you think your rights protected under the ADA have been violated, contact your local [Equal Employment Opportunity Commission](#) office or [file a complaint](#) with the ADA.

### Family and Medical Leave Act (FMLA)

According to its website, the Family and Medical Leave Act (FMLA) "entitles eligible employees to take unpaid leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave."

To be eligible, you must:

- Work for a covered employer
- Have worked 1,250 hours during the 12 months prior to the start of leave
- Work at a location where the employer has 50 or more employees within 75 miles
- Have worked for the employer for 12 months (cumulatively, not consecutively)

You may be granted up to 12 workweeks of leave in a 12-month period. Members of the armed services may request up to 26 months. Caregivers may also request leave under the FMLA.

Since FMLA is unpaid leave, find out first if you are eligible for sick leave or disability. If you contracted hepatitis B through your employment, you may be eligible for workers' compensation.

The District of Columbia and some states have enacted laws providing additional protection to employees who need time off. To read more about the federal regulations, [visit the FMLA site](#).

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