

THIS PLACE MAKES ME SICK!

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Environmental illnesses, long a staple of toxic tort litigation, are finding their way into employment lawsuits with increasing frequency. More employees are seeking to use these illnesses as means of obtaining special workplace accommodations or insulating themselves from discrimination under the Americans with Disabilities Act. The two environmental maladies most often encountered in the employment context are "Sick Building Syndrome" and "Multiple Chemical Sensitivity." While these types of claims initially met with little success under the ADA, recent more sophisticated approaches by plaintiffs' attorneys and use of broader state disability discrimination laws suggest that these claims may gain more of a foothold in the future. This new development in the law will pose quite a challenge to an employer whose employees claim that their workplace or their coworkers make them physically ill.

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