



Employers Should Consider Containing Workplace Odors

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When a worker douses herself with too much Chanel #5, an employer might dismiss the overwhelming scent as simply annoying to her co-workers or conclude it's truly an issue that needs to be addressed by creating a workplace policy on scents in the office.

But the right choice was made loud and clear by a Detroit court when it ruled that employers have a duty to reasonably accommodate requests by employees if scents in the workplace cause difficulty in performing their duties.

With heat and perspiration a year-round factor in Florida, people wearing strong deodorants, heavy perfumes and colognes can cause severe allergic reactions in colleagues. Even air fresheners can have a detrimental effect on people with significant sensitivities. Failure to make the appropriate modifications for workers who are impacted by odors can create a major headache — not only for the employee but for the company as well.

It's essential that employers explore a resolution, particularly in light of recent amendments to the Americans with Disabilities Act that have now expanded the scope of what can be considered a disability. Yes, sensitivities to workplace odors that cause difficulty breathing, headaches, watery eyes, coughing and sneezing now fall under that definition. It is far smarter — and less expensive — to work with the employees rather than dismiss their complaints and encounter unnecessary litigation.

Employers should explore reasonable steps to address employee reactions to smells in the workplace. By employing quick, proactive efforts to work with the employee, the worker can be satisfied, the workplace will not be unduly disrupted, and the company won't get a whiff of upcoming litigation.

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