

## **Module 16. Employment**

### **Dennis Hsieh, MD, JD**

#### **Objectives:**

1. To understand how employment affects health.
2. To understand the rights of employees.
3. To learn how to advocate for a patient who is the victim of unfair employment practices.

#### **Case:**

A 28-year-old man comes complaining of shortness of breath and a full body rash. The patient has a history of asthma and uses an inhaler. He is otherwise healthy. He does not smoke or drink or use any substances. On exam, he is afebrile and his vital signs are as follows: BP 120/80, HR 90, RR 22, 94% oxygen saturation on room air. He appears uncomfortable, coughs throughout the interview, and is wheezing on exam. There is an urticarial rash on both arms and his face. The patient has avoided coming to the ED even though this has bothering him for a few days because he does not have health insurance through his job and he is worried about the bill. He is a painter. He recently started with a new company that does not provide facemasks or other protective equipment. He cannot afford to buy his own, because they pay him in cash at \$7.00 per hour. He needs the money to pay for rent, food, and clothing for his two young kids, his wife, and himself. He knows this is less than minimum wage, but is afraid to complain, because he did so at his last job and they fired him without giving him his last paycheck.

He feels better after nebulizers and diphenhydramine. However, he is not sure what to do. Social work sees him and advises him to speak with an employment law attorney. You follow up with the patient one week later and he is doing better. The employment law attorney is in the process of getting him back wages and compensation for wrongful termination from his previous job. A demand letter to his new job resulted in the provision of protective equipment, back pay, and a raise to the market rate.

#### **Discussion Questions:**

1. How is the patient's job affecting his health?
2. What is a living wage as compared to a minimum wage?
3. What protections do workers have in terms of workplace safety protections?
4. What protections do workers have against unfair termination and unfair compensation/back wages?

#### **Teaching Points**

1. Employment conditions can affect health and is directly associated with healthcare coverage, health outcomes, and life span. Those with lower levels of control within their jobs also have poorer health outcomes which contributes to the social gradient in health.
2. Workers (regardless of documentation status) have rights when it comes to working conditions, minimum wage, unfair termination, and payment for completed work.

#### **Practical Questions:**

1. Who are the local attorneys who provide low-cost or free legal help with employment concerns?

2. What are the ways someone can find a job if they need one in your area?
3. What type of workplace issues do your patients face?
4. What are the different workplace protection laws that one should be aware of (OSHA, FMLA, etc.?)

**Recommended Screening Question(s)** (See also legal needs – trouble with your job)

1. Do you want help finding or keeping work or a job?
  - Yes, help finding work.
  - Yes, help keeping work.
  - I do not need or want help.

**Paired Reading:**

Robert Wood Johnson Foundation. “Issue Brief: How Does Employment – or Unemployment – Affect Health?” March 2013. *available at:* [https://www.rwjf.org/content/dam/farm/reports/issue\\_briefs/2013/rwjf403360](https://www.rwjf.org/content/dam/farm/reports/issue_briefs/2013/rwjf403360)

**Discussion Points from the Reading:**

1. A well-paying job allows for individuals to live in better neighborhoods, provide quality education for their children, and buy nutritious foods. Well-paying jobs also provide better benefits such as insurance. All of this leads to a longer lifespan. In contrast, those who are out of work face numerous health challenges, including being uninsured, being in poorer health, and developing a stress-related condition such as stroke, heart attack, heart disease, or arthritis. Those who are unemployed are also more likely to be depressed and report feeling sad and worried.
2. Workplace wellness programs consist of proactive steps that employers take to promote health and safety that result in improved employee well-being. Studies show that employers save an average of \$6 for every \$1 spent on workplace wellness programs by reducing sick leave, health plan costs, worker compensation, and disability costs.
3. The working poor (those with low paying jobs and limited access to healthcare) are less likely to have access to preventive care or insurance coverage through their jobs. This leads to more health challenges.

**Additional Reading:**

1. Robert Wood Johnson Foundation. “Issue Brief 4: Work and Health.” December 2008. *Available at:* [https://www.rwjf.org/content/dam/farm/reports/issue\\_briefs/2013/rwjf403360](https://www.rwjf.org/content/dam/farm/reports/issue_briefs/2013/rwjf403360)
2. Robert Wood Johnson Foundation. “Policy Brief: How can wellness programs save employers money while making employees healthier and more productive?” August 2012. *Available at:* [https://www.rwjf.org/content/dam/farm/reports/issue\\_briefs/2012/rwjf401183](https://www.rwjf.org/content/dam/farm/reports/issue_briefs/2012/rwjf401183)
3. Benach J., Solar O., Vergara M. *et al.* Six employment conditions and health inequities: a descriptive overview. *Int J Health Serv.* 2010;40(2): 269-80.
4. Benach J., Vives A., Amable M. *et al.* Precarious employment: understanding an emerging social determinant of health. *Annu Rev Public Health.* 2014;35:229-53.
5. Marmot, M. *The Health Gap: The Challenge of An Unequal World.* Bloomsbury, London, 2015.

