

Dealing with employees affected by cancer

Expert knowledge means success

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Note: This publication has not been updated since it was last published. Some of the hyperlinks may have changed and may need updating. In addition, some of the information in this publication may be out of date.

Introduction

Each year more than a quarter of a million people in the UK are diagnosed with cancer. It has been estimated that more than one in three people will get some form of cancer at some point in their lives and for each diagnosis there is a family and friends who will be affected by that diagnosis. It therefore makes sense for employers to understand the facts about cancer and have a published policy for supporting employees affected by it.

Individuals respond differently to being told they have cancer, and each prognosis will be different depending upon the type of cancer and its current progress. In one employee it may cause anxiety and depression and they may need time to come to terms with their diagnosis. For another employee, it may be seen as something that has to be endured until they can get back to their normal life. Attitudes to work will also differ depending on the role work plays in their life. For some people, work may be a focal part of their life and they will be keen to continue working throughout their treatment. For others, work may just be a means of paying the bills and they may prefer to remain at home during their treatment. In some cases, an individual may rethink their lives and decide to change their working habits completely or retire.

Cancer will impact an individual's availability for work while tests and treatments are being conducted. Their treatment may include surgery, radiotherapy, chemotherapy, or other drugs that can cause unpleasant side effects. The symptoms of cancer or the side effects of treatment may reduce an individual's effectiveness at work, although this may be temporary. It should be remembered that with advances in screening and treatments many cancers can be cured these days and an affected employee may return to full health and full productivity after their treatment.

Employers therefore need to recognise that each case needs to be considered individually and that employees who are diagnosed with cancer should be able to discuss their situation in a supportive manner. It should not be forgotten that employees may be affected by cancer even though they are not the sufferer and any cancer policy should consider the needs of the family of someone diagnosed with cancer.

What is cancer?

Cancer is a disease caused by normal cells changing so that they grow in an uncontrolled way. The uncontrolled growth causes a lump called a tumour to form. If not treated, the tumour can cause problems by invading normal tissues nearby or by causing pressure on other body structures.

Tumours (lumps) can be benign or malignant. A benign tumour is not cancerous. Malignant tumours are made up of cancer cells. They usually grow faster than benign tumours and may spread through and destroy surrounding tissues or spread to other parts of the body.

It is the ability to spread that makes a cancer dangerous. If a cancer is not treated, it can threaten the organs near to where it started growing. It can also damage other parts of the body by spreading.

There are over 200 different types of cancer because there are over 200 different types of body cells. Cancers from different cell types behave differently. They can grow at different speeds and respond differently to treatment.

They can cause different symptoms in different people because of where they are. A cancer may press on a nerve, or another body organ that is nearby. The place where the cancer starts also affects what treatment can be used because doctors have to take into account the risk of damaging neighbouring organs.

The place where a cancer begins is called the 'primary cancer'. Tumours from cancers that have spread are called 'secondary cancers'. An area of cancer spread is called 'metastases'.

Source: Cancer Research UK

Note: Some cancers are referred to by a specific name, e.g. lymphoma, leukaemia and myeloma.

For further information visit:
www.cancerresearchuk.org
www.macmillan.org.uk/Home.aspx

What to do when an employee is diagnosed with cancer

If the company has a cancer, disability or serious illness policy in place this will provide a starting point for how the company manages an affected employee and their work. Even with an existing policy as a guide it must be remembered that each individual and their cancer is unique and will require a personalised course of treatment and therefore some level of personalised employer support.

At this early stage the employer has to strike a balance between the needs of the employee and the needs of the company with limited information. They may therefore need to take a flexible approach while allowing for consistency with previous (and future) cases of employee illness or disability.

Initial meeting

Typically an employer will become aware that an employee has been diagnosed cancer because the employee tells them. The employee should be encouraged to have a confidential and supportive initial discussion with their line manager, a representative from Human Resources (HR) or another appropriate manager within the company as per the employee's preference.

The employee can choose to have a friend, employee or trade union representative with them during their initial (and subsequent) discussions. Notes from the initial meeting should be made available to all the meeting attendees, but not shared beyond the attendees without the written permission of the employee.

Logistically, both the line manager and HR may need to be informed to allow the company to provide appropriate support to the employee.

Subsequent meetings

The initial meeting will probably be no more than a supportive conversation and any decisions an employee makes about work at this stage may be subject to change on reflection. The investigation and treatment timetable may also be unclear at this stage. A more formal meeting should therefore be arranged in a timely fashion. At this meeting

the employee should be informed of any company policies pertinent to the situation and of any support that the company can offer. Working arrangements should be discussed and regular reviews should be scheduled (where possible) to monitor the working arrangements and the support provided.

The meeting should include the following areas of discussion:

- who the employee's key employer contact should be regarding their situation;
- whether the employee intends to work during their investigation and treatment period;
- any adjustments required to their working hours, workplace or workload;
- their rights regarding periods of absence and its financial implications;
- the support and benefits (e.g. counselling) available to the employee;
- the level of confidentiality the employee requires, and where appropriate what other employees are told; and
- the scheduling of further meetings to monitor and modify any support or working arrangements in place.

Confidentiality

The employees' wish for privacy and confidentiality concerning their personal circumstances should be respected at all times. However, the company will need to make arrangements to cover sickness absence effectively and may therefore request that written permission is given to inform other managers where this is deemed necessary.

The employee may also dictate what (if anything) is told to their colleagues and whether they wish to inform their colleagues themselves or whether they would prefer someone else to inform colleagues either orally or in writing of their cancer. In this case, the informer should be someone who is sensitive to the situation and has some knowledge of cancer and its treatment. A similar principle should apply to clients and other third parties.

The company may request permission from the employee to approach and obtain advice from their doctor about their condition, and any recommendations that might relate to work including the likely impact of possible cancer treatment on their work and/or ability to attend work and any resulting need for absence from work.

Absence from work

It should be agreed with the employee what constitutes reasonable time off to attend medical appointments. However, it should be recognised that cancer treatment and investigation may need to be conducted at short notice and that the timetable for treatment may change as the treatment progresses.

It should also be made clear to the employee whether they need to take sick leave, emergency leave, or holiday.

The employee should be informed of how absence from work may affect them financially. This includes notification of any financial assistance (and its duration) available to the employee during sick leave including both Statutory Sick Pay and any discretionary sick pay that the company wishes to pay in addition to the statutory payments. Any qualifying conditions for the statutory or discretionary sick pay should be identified.

Employee incentive schemes (bonuses, stock options and so on) should be considered with regard to absence and reference made to the fact that other statutory benefits may apply over time.

Support and benefits

Where a period of extended absence may qualify the employee for insured benefits under any company provided permanent health insurance cover/long-term disability insurance this should be noted.

The employee should be informed of any company provided benefits that may be available to them for example:

- critical illness/disability insurance;
- private health insurance;
- occupational health;
- counselling; and
- other support services.

All companies are required to give an employee information on their statutory rights. They should also direct them to further sources of information and support outside the organisation, concerning relevant statutory benefits; discussing cancer with their colleagues; counselling and other specialist support organisations. There is a list of organisations at the end of this publication that provide such support to cancer sufferers.

Working arrangements during treatment and recovery

Each individual will need to make their own decision on whether to continue working throughout their treatment and recovery. This decision will be effected not just by the nature of the treatment and prognosis but also by the attitude and personality of the individual affected. In some cases, continuing to work may provide positive feelings of control and reduce the isolation and financial worries that could accompany a prolonged period of absence.

Managers will need to recognise that an employee may change their mind about whether to continue working or not during their treatment period depending on how their treatment and environment affects their overall sense of well-being. The employee may suffer varying levels of fatigue and other side effects that may require a temporary or permanent change to any agreed arrangements.

The employee should be made aware of any flexible working/work adjustment policies and their rights under the Disability Discrimination Act (DDA). The DDA requires that employees affected by cancer should have reasonable work performance targets, adjusted to reflect their illness, and that eligibility for and participation in incentive schemes should not be discriminatory.

Working during treatment

The employee may decide to carry on working during their treatment or recovery period on either a full-time or part-time basis. In this case, the company should outline any practical support it can offer. This may include:

- reduced or flexible working hours;
- reduced commitments;
- increased breaks;
- home working;
- assistance from other employees as appropriate to the nature of the employment; and
- reduced performance targets.

Where feasible, the employee may choose to work from home and may require IT and other support to make this a practicable solution.

Regular meetings should be scheduled between the employee and their line manager or HR to discuss the success or otherwise of the working arrangements.

Returning to work

The employee should be made aware of any return-to-work policy in place.

If the employee has not been working during their treatment they may wish to return to work on a full-time basis, a part-time basis or not at all. It should be recognised that returning to work may be both physically and emotionally stressful for the employee both at the point of return and for some time after. It may be a very positive experience for some as it represents a return to a normal routine.

A 'return to work' interview should be organised where the employee, their line manager, HR and any employee appointed representative can discuss the options for making the transition back to work. These options may include:

- a phased return to work;
- a degree of home working;
- flexible or reduced hours;
- reduced responsibilities;
- change of work patterns;
- reduced travel;
- transport assistance;
- training/refresher courses; and
- alterations to work environment.

It should be noted that each case is individual and an employee may require none or multiple of the transition options listed.

The employee must be notified of any changes to the terms and conditions of their employment that accompany any transition options.

A review date should be scheduled to discuss the transition back to work and to make modifications to the transition plan as appropriate.

Managing a disability

Where the cancer (or its treatment) results in a temporary or permanent disability, the employee should be made aware of any company provided disability or health insurance benefit scheme for which they may be eligible.

The company will be required under the DDA to make reasonable adjustments to accommodate the employee and may be able to get financial help with providing adjustments from Access to Work.

Access to Work (AtW) is a scheme available through the Department of Work and Pensions that helps to overcome the problems resulting from disability. It offers practical advice and help in a flexible way that can be tailored to suit the needs of an individual in a particular job. It does not replace the normal responsibilities of the employer to implement Health and Safety regulations or replace the responsibilities required by the DDA.

As well as giving advice and information to disabled people and employers, AtW can offer a grant towards the approved costs that arise because of an individual's disability. If the employee is eligible for the scheme, AtW can provide a grant of up to 80% of the approved costs over the first £300 and 100% of the cost over £10,000.

Approved costs include:

- communicator support at interview (CSI) which meets the full cost of hiring an interpreter to remove barriers to communication at interview;
- a support worker, which allows the applicant to use the services of a helper. Types of support might include reading to a visually impaired person, communicating for a hearing impaired person via sign language (other than at interview which is covered by CSI), providing specialist coaching for a person with learning difficulties or helping a person with care needs;
- special aids equipment to help a disabled person function in the work place;
- adaptation to premises or to existing equipment;
- help with the additional costs of travel to, or in, work for people who are unable to use public transport.

All help is for a maximum period of three years after which the AtW Business Centre will review the support and the circumstances. Further information is available from www.jobcentreplus.gov.uk.

Leaving work

If the employee decides to give up work permanently either when they're diagnosed with cancer or during or after their treatment they should be offered appropriate advice and encouraged to seek counselling before making such a life changing decision.

They should also be made aware of the financial impact their decision will have on any company pension and life assurance schemes attached to their work. Again the employee should be encouraged to take professional financial advice before deciding to take an extended leave of absence or to leave paid work permanently.

Cancer - The Legal Considerations

An individual diagnosed with cancer is classed as disabled under the DDA and so is eligible for its protections. As a result, it is unlawful for an employer to discriminate against an employee because of their cancer diagnosis. This protection is extended to previous cancer sufferers who have been successfully treated and are either in partial or complete remission.

The DDA provisions apply to most employment areas including:

- interviewing and recruitment;
- terms and conditions of employment;
- opportunities for promotion, transfer, training and benefits;
- employment benefits;
- unfair dismissal;
- unfair treatment compared with other workers; and
- harassment and victimisation.

Under the DDA, an employer has a duty to **make 'reasonable adjustments' to workplaces** and working practices to make sure that people with cancer or who have had cancer (and other disabilities) are not at a substantial disadvantage compared with other people. A **'reasonable adjustment'** is judged by a number of criteria, including:

- the cost of making the adjustment;
- the amount of benefit for the employee;
- the practicality of making the adjustment;
- whether making the adjustment will affect **the employer's business, service or financial status**.

The cancer sufferer's primary carer has the **right to request 'reasonable' time off for emergency leave** which may be paid or unpaid **at the company's discretion**. The law allows such leave to be taken in emergencies where there is a need:

- to make emergency or longer-term care arrangements;
- to deal with the death of a dependant;
- to deal with an unexpected disruption or breakdown in care arrangements with a dependant.

Where the employee is the parent of a child who has cancer (and is therefore classified as disabled) they are entitled **to up to 18 weeks' parental leave** to look after their child. This **leave may be paid or unpaid at the company's discretion**. The company may of course extend this period of parental leave at their discretion.

Terminal cancer

An employee who is diagnosed as terminally ill will have considerable emotional and financial concerns. They should be advised of any company provided counselling service or referred to an appropriate service.

They will require professional financial advice regarding their pension and any life assurance payments that will be due on their death. They may also need to prepare a will or arrange for a power of attorney document to be drawn up so that their affairs can be handled by someone else on their behalf if necessary.

If the employee chooses to remain at work this must be handled with sensitivity. There may come a point where their illness makes it impracticable for them to remain at work. The possible effect of the employee's progressive illness and death on other employees will also need to be considered.

Once the employee has died their colleagues should be informed as soon as possible and where available emotional support and counselling should be offered. Colleagues may wish to have time off to attend the funeral or may wish to pay their respects through sending by sending flowers or making a donation to charity on an individual or collective basis.

The family of the deceased should be offered condolences as soon as appropriate. After a suitable period the issue of the return of company property may need to be sensitively discussed with the family.

Implementing a cancer policy

Employers should consider implementing a policy for employees diagnosed with cancer that outlines both their legal responsibilities and any additional support they wish to provide.

The policy should be applicable to both full-time and part-time permanent employees and allow for a customised approach that takes into account both the particular needs of the employee and the needs of the business.

The policy should include:

- how the employee can inform the company of their cancer;
- the employee's confidentiality and privacy rights;
- the work adjustments available to the employee during treatment;
- the employee's statutory rights with regard to absence and any other related company benefits;
- the support (e.g. counselling) available to the employee;
- the work adjustments available to the employee on return to work;
- the employee's statutory rights and any other company benefits if the employee decides to leave work; and
- the recourse if the employee feels they have been treated unfairly as a result of cancer.

Employees affected by cancer

It should not be forgotten that cancer not only affects the sufferer but also their family, close friends and colleagues. A lot of the principles that apply to dealing with an employee diagnosed with cancer can also be applied to an employee who has a family member that has been diagnosed with cancer.

The employee may also need additional support, counselling, confidentiality, time off or flexible working to allow them to support their relative as they deem necessary. If their family member has terminal cancer they may wish to take a leave of absence to spend with their relative. (Where the cancer sufferer is a child, the employee will be legally entitled to up to 18 weeks parental leave to look after their child). They should be informed of their statutory rights and any other benefits or considerations regarding the absence and a communication means between the employee and employer should be agreed.

When the family member of an employee has died, the employee will require extra time off to make funeral arrangements and to deal with the ensuing affairs. The employer should offer their condolences and determine whether they should communicate the death to the employee's colleagues.

Useful Links

Access to Work

The Access to Work scheme provides advice and practical support to disabled people and their employers to help overcome work-related obstacles resulting from a disability. It is administered by the Department for Work and Pensions and provided through disability employment advisers based at local offices of Jobcentre Plus.

Tel: 020 8218 2710
Textphone: 020 8218 2716 or 2717
Website: www.jobcentreplus.gov.uk

Department for Work and Pensions
www.dwp.gov.uk
www.direct.gov.uk/DisabledPeople/fs/en

Cancerbackup

Cancerbackup is the UK's leading provider of cancer information, emotional support and practical advice to anyone affected by cancer.

3 Bath Place,
Rivington Street,
London
EC2A 3JR

Tel: 0808 800 1234 (9:00–20:00, Monday–Friday)
Tel: 020 7696 9003
E-mail: info@cancerbackup.org
Website: www.cancerbackup.org.uk

Cancer Counselling Trust

The Cancer Counselling Trust provides free, confidential counselling to cancer patients, as well as couples or families affected by cancer.

The Cancer Counselling Trust
1 Noel Road,
London
N1 8HQ
Tel: 020 7704 1137
E-mail: support@cctrust.org.uk
Website: www.cctrust.org.uk

Cancer Research UK

Cancer Research UK is the UK's leading charity dedicated to cancer research.

Cancer Research UK
P.O. Box 123
Lincoln's Inn Fields
London WC2A 3PX
Tel: (Supporter Services) 020 7121 6699
Tel: (Switchboard) 020 7242 0200
Website: www.cancerresearchuk.org

Carers UK

Carers UK offers information and support to professionals, relatives and friends who are carers.

20–25 Glasshouse Yard,
London
EC1A 4JT
Tel: 0808 808 7777 (10:00–12:00, 14:00–16:00, Wednesday and Thursday)
Minicom: 020 7251 8969
E-mail: info@ukcarers.org
Website: www.carersuk.org

Chartered Institute of Personnel and Development (CIPD)

The CIPD is the professional body for those involved in the management and development of people.

151 The Broadway,
London
SW19 1JQ
Tel: 020 8612 6200
Website: www.cipd.co.uk

Compassionate Friends

A nationwide organisation of bereaved parents offering friendship and understanding to other bereaved parents, siblings and grandparents.

53 North Street,
Bristol
BS3 1EN
Tel: 0845 123 2304
E-mail: info@tcf.org.uk
Website: www.tcf.org.uk

Cruse Bereavement Care

Cruse Bereavement Care is a UK charity offering information and support to anyone bereaved.

Cruse House,
126 Sheen Road,
Richmond,
Surrey
TW9 1UR
Helpline: 0870 167 1677 (9:30–17:00, Monday–Friday)
E-mail: helpline@crusebereavementcare.org
Website: www.crusebereavementcare.org.uk

Disability Alliance

The Disability Alliance provides advice about benefit entitlements for people with disabilities.

88–94 Wentworth Street,
London
E1 7SA
Tel and Minicom: 020 7247 8776
E-mail: office.da@dial.pipex.com
Website: www.disabilityalliance.org

The Disability Law Service (DLS)

The Disability Law Service is a registered charity offering free confidential legal advice on disability discrimination in employment to people with disabilities, their families and carers.

39–45 Cavell Street,
London
E1 2BP
Tel: 020 7791 9800
Minicom: 020 7791 9801
E-mail: advice@dls.org.uk
Website: www.dls.org.uk

The Equality and Human Rights Commission

The Disability Rights Commission (DRC) was established in April 2000 by Act of Parliament to stop discrimination and promote equality of opportunity for disabled people. It produced a number of codes of practice, explaining legal rights and requirements under the Disability Discrimination Act 1995. These Codes are practical guidance - particularly for disabled people, employers, service providers and education institutions - rather than definitive statements of the law. However, courts and tribunals must take them into account.

The DRC was replaced by the Equality and Human Rights Commission on 1 October 2007. The codes of practice are now available from the Equality and Human Rights Commission at:
www.equalityhumanrights.com

Equality and Human Rights Commission
Disability Helpline (England)
FREEPOST MID02164
Stratford upon Avon
CV37 9BR

Tel: 08457 622 633
Textphone: 08457 622 644
Fax: 08457 778 878

Macmillan Cancer Support

Macmillan Cancer Support is a national charity providing expert treatment and care through specialist Macmillan nurses and doctors, and grants for patients in financial difficulties.

89 Albert Embankment
London
SE1 7UQ
Tel: 0808 808 2020 (9:00–18:00, Monday–Friday)
E-mail: cancerline@macmillan.org.uk
Website: www.macmillan.org.uk

Working with Cancer

Working with Cancer was formed and is run by individuals affected by cancer with the principal objective of producing a series of cancer related best practice guidelines for employers, employees, co-workers and carers, all around the theme of working with cancer.

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Further Information

This guide is for general interest - it is always essential to take advice on specific issues. We believe that the facts are correct as at the date of publication, but there may be certain errors and omissions for which we cannot be responsible.

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