

YOUR RIGHTS AT WORK

when you're affected by cancer in Northern Ireland

Your rights at work

If you have cancer or have had cancer in the past you are considered a disabled person. You are protected from less favourable treatment at work as a disabled person by the Disability Discrimination Act 1995 (DDA). The law says it's unlawful for an employer to treat you less favourably (i.e. discriminate against you) because of your disability.

The DDA protects you as soon as you are diagnosed with cancer. Even if you've had cancer in the past, it has been successfully treated and you are now in remission, you will still be covered by this legislation. This means your employer must not treat you less favourably for any reason related to your past cancer. This doesn't just apply to employees – job applicants are also protected.

DDA applies when:

- Applying for a job
- Terms and conditions in a job
- Opportunities for training/promotion
- During performance and absence management procedures
- Disciplinary/grievance procedures
- The working environment
- Dismissal/redundancy
- Job references.

What is meant by discrimination?

Discrimination can include a range of things, such as an employer:

- not making reasonable adjustments to allow you to do the job (for example, to cope with fatigue)
- giving you a warning for having a lot of time off sick, but not taking your cancer diagnosis into account
- suggesting that it would be better if you retired or stopped working without making reasonable adjustments first
- dismissing you for a reason related to your cancer, or demoting you to a lower-paid or less demanding job for a reason related to your cancer without trying to make reasonable adjustments first
- making it difficult for you to get any sick pay you're entitled to
- harassing you – this is when an employer or colleague creates an intimidating, hostile or degrading environment which has the purpose or effect of violating your dignity (for example, being teased about hair loss, or being laughed at or whispered about by colleagues)
- Assuming that because you care for a dependant who is living with cancer that you can't apply for promotion or work full time

Anyone who feels they have not been treated fairly by their employer because of cancer should seek advice as soon as possible, as the normal time limit for taking action is only 3 months.

What support am I entitled to from my employer?

If you have cancer and are in paid employment, your employer should have a duty to make reasonable adjustments to let you do your job during and after your cancer treatment.

There is no fixed description of what a reasonable adjustment is. Examples can include: giving you time off to go to medical appointments, changing your job description to remove tasks that cause problems or allowing you to work more flexible hours. But your employer does not have to make a reasonable adjustment unless they know (or should reasonably know) that you have cancer.

Finding the words

Talking to your employer can help them support you. You don't have to tell your employer you have cancer. But unless they know (or should reasonably know) that you have cancer, they don't have to make a reasonable adjustment. Macmillan have developed [this guide](#) to help you find the words to talk to your employer.

If you're a carer

At work, the DDA (in Northern Ireland) and the Equality Act (in England, Scotland and Wales) can, in certain circumstances, protect carers from some types of disability discrimination. This is a complex area of employment law so if you think you have been treated unfairly because you're caring for – or you're associated with – someone who has cancer, we suggest you seek further advice. Access our support for carers [here](#).

If you have caring responsibilities for someone living with cancer you can't be treated less favourably by your employer for that reason. Please note: You are **not** entitled to reasonable adjustments at work because you aren't a disabled person however, if decisions about your job, hours or promotion etc are based on your caring responsibilities then this **may** be associative discrimination under the DDA.

Questions about working with cancer?

Talk to us

If you have cancer and are concerned about how this may affect your work, we can help. At our Macmillan Information & Support Services, we offer Work Support Conversations where you can speak to an Information Manager about work and cancer. [Contact your local Macmillan Information & Support](#) service to find out more and book in a Work Support Conversation.

Further support

More information can be found at [macmillan.org.uk/rightsatwork](https://www.macmillan.org.uk/rightsatwork) and [macmillan.org.uk/work](https://www.macmillan.org.uk/work). To order our booklet to learn more about your rights at work, or to access our range of other UK-wide work and cancer resources including resource for carers, visit [be.macmillan.org.uk](https://www.be.macmillan.org.uk).

Other sources of employment advice include: the Equality Commission for Northern Ireland (028 90500600), the Labour Relations Agency (028 90321442), **Citizens Advice Bureau**, or your trade union (if you are a member).

You can also contact the Macmillan Support Line free on 0808 808 0000 lines are open 9am–8pm, Monday to Friday.