

YOUR RIGHTS AT WORK

Your rights at work when you're affected by cancer

Your rights at work

If you have cancer or have had cancer in the past, you are protected by law from unfair treatment at work. Under the Equality Act 2010 if you live in England, Scotland or Wales, or the Disability Discrimination Act 1995 (DDA) if you live in Northern Ireland, it's unlawful for an employer to treat you less favourably (i.e. discriminate against you) because of your disability.

The Equality Act (or DDA) applies 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 and the self-employed are also protected.

Reasonable adjustments

If you have cancer and are in paid employment, your employer should try to help and support you. Where reasonable, they should make changes 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.

Discrimination

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

- not making reasonable changes 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
- dismissing you for a reason related to your cancer
- demoting you to a lower-paid or less demanding job for a reason related to your cancer
- making it difficult for you to get any sick pay you're entitled to
- harassing you – this is when an employer or colleague bullies, intimidates, insults you or makes you feel uncomfortable (for example, being teased about hair loss, or being laughed at or whispered about by colleagues).

If you're a carer

At work, the Equality Act (in England, Scotland and Wales) and the DDA (in Northern Ireland) 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.

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 work and cancer resources including resources for carers, visit [be.macmillan.org.uk](https://www.be.macmillan.org.uk). Other sources of employment advice include: Citizens Advice Bureau, ACAS, the Equality Advisory and Support Service or your trade union (if you are a member)

If you have questions about work and cancer you can also call our dedicated Work Support Service free on **0808 808 0000**, Monday-Friday, 8am-6pm.