



The Equality Act and Cancer: are employers in your constituency getting it right?

Macmillan's *Working through Cancer* campaign

Macmillan wants to make sure the 700,000 people of working age with cancer in the UK receive the right support to remain in, or return to, work. For many of these people, keeping their job is really important. However cancer and its treatment can have a significant impact on someone's ability to work.

Physical impact: the physical effects of cancer can continue for weeks, months and even years after treatment has ended. 65% of cancer survivors have had to deal with fatigue following treatment. Other significant effects include pain, reduced mobility and reduced cognitive functioning.

Emotional impact: more than 4 in 10 people with cancer become depressed at some point during their illness.

Practical impact: people will need to take time off from work for treatment or check-ups. Without supportive or understanding employers this can be very difficult.

"I've found it very hard both physically and emotionally returning to work after treatment for breast cancer. I've struggled with...tiredness even with a reduced workload...I've felt trapped, derailed and in a muddle...as well as emotionally exhausted and depressed." **Angela, Norfolk**

Why employers should support their staff with cancer

It makes business sense for employers to help an employee who is diagnosed with cancer to remain in or return to work, during or after treatment.

Employers can retain skilled staff, avoid the time and cost of replacing an employee, and improve morale in the workforce. They will also be fulfilling their legal responsibility.

Are people with cancer getting the support they need?

No, is the simple answer. A supportive employer can be absolutely vital in helping someone with cancer remain in, or return to, work. However, new Macmillan research shows that less than half of employers know what their legal responsibilities are towards people with cancer.

People with cancer don't know either. Five years after cancer was included in the Disability Discrimination Act still less than 40% of people with cancer know they're covered. This means they are unlikely to request the support they are entitled to.

"When I returned to work after treatment no one even asked if I was capable of doing the same as before I'd cancer. It was just expected that I'd do the same hours...When I felt I was being threatened with losing my job if I couldn't do a full week, I realised it was time to find out if I had any rights as I didn't know, and neither did my employer." **Alan, Lancashire**

The Equality Act 2010: What it means for employers and people with cancer

The employment provisions of the Equality Act 2010 came into effect on 1st October 2010¹, replacing the Disability Discrimination Act. The Act extends protection for employees with cancer and includes new protections for carers.

The new law protects anyone who has, or has had, a disability. When a person is diagnosed with cancer, they are automatically classified as disabled for the purposes of the Act. The Act covers all aspects of employment including the recruitment process, terms, conditions and benefits, opportunities for promotion and training and unfair treatment compared to other workers, such as dismissal, harassment and victimisation.

Reasonable adjustments: the Act requires employers to make 'reasonable adjustments' to workplaces and workplace practices. Examples of reasonable adjustments for someone with cancer might be:

- time off to attend medical appointments
- an agreed modification to the job
- flexible working hours, or working from home
- allowing a gradual, phased return to work after extended sick leave
- making physical changes to a work station

Only 47% of people with cancer who were working when they were diagnosed say their employer discussed sick pay entitlement, flexible working conditions, or workplace adjustments with them when they informed their employer they had cancer.

For further information about the employment provisions of the Act that protect people with cancer read our short guide to [The Equality Act 2010 and Cancer: A guide for employers](#)

"I've returned to work since I was diagnosed with oesophageal cancer and I can't thank my employers enough. Throughout my treatment, surgery and my recovery they offered me help and showed true understanding and friendship. Without them, I don't know what position I'd be in today". Gary, Manchester

Useful contacts for further information and advice

Equality and Human Rights Commission Helpline: Tel: 08456 046 610 / Textphone: 08456 046 620 / englandhelpline@equalityhumanrights.com

Advisory, Conciliation and Arbitration Service (ACAS): Helpline: 08457 47 47 47 / Textphone : 08456 06 16 00 / www.acas.org.uk

Citizens Advice Bureaux: Tel: 020 7833 2181 / www.adviceguide.org.uk

Community Legal Service: Helpline: 0845 345 4 345 / www.clsdirect.org.uk

Disability Law Service: Tel: 020 7791 9800 / Textphone: 020 7791 9801 / advice@dls.org.uk / www.dls.org.uk

¹ The Equality Act applies in England, Scotland and Wales