

# A guide for employers

supporting employees affected by cancer

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**WORKING  
THROUGH  
CANCER**



Each year over 100,000 people of working age are diagnosed with cancer in the UK.<sup>1</sup> There are currently over 700,000 people of working age living with a cancer diagnosis.<sup>2</sup> Macmillan provides the information and support people need to remain in, or return to work. We also advise employers and offer resources such as this guide, to help you when a member of staff, or their close family member, is diagnosed with cancer.

Macmillan sponsors a continuing research programme to identify the needs of people affected by cancer and their employers. Ultimately, we aim to develop and test an effective model for supporting people with cancer when they return to work. For more information, please visit [macmillan.org.uk/work](https://www.macmillan.org.uk/work)

This guide is based on revised content from two publications: *Macmillan's Working through cancer – a guide for employers* and *Cancerbackup's Cancer and working – guidelines for employers, HR and line managers* (produced in association with the Working with Cancer Group and the Chartered Institute of Personnel and Development (CIPD)).

The information provided in this booklet is designed to give examples of good practice and is a general guide to your employees' rights and your responsibilities as an employer. It is not a substitute for legal advice. If you need more details on employee rights, or legal advice, please contact a solicitor. While we endeavour to provide information of the highest quality, Macmillan will not accept any liability for the use, or inability to use any information provided in this booklet.

<sup>1</sup> Office for National Statistics. Registrations of cancer diagnosed in 2003. Cancer statistics registrations. England. 2005.

<sup>2</sup> King's College London, Macmillan Cancer Support, and National Cancer Intelligence Network. Cancer prevalence in the UK. 2008.

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# The health of your employees is vital to the health of your business

A successful return-to-work after cancer is in everyone's interests. Macmillan has developed this guide to help. We hope you find it useful.



In the UK, over 100,000 people of working age are diagnosed with cancer each year. The HR department of a large employer will see more new cancer diagnoses in a

year than a GP. More than 700,000 people of working age are living with a cancer diagnosis. Many will continue to work after, or even through their treatment for cancer. They need to work to earn a living and they want to work because to do so is 'normal'. And of course like many others, people with cancer often have a strong attachment to their work.

At Macmillan, we know that employers play a pivotal role in supporting people with cancer and their carers. We also know that a good relationship between an employer and employee is also more likely to lead to a successful return-to-work. This is particularly important because, outside the workplace, it is still unusual for someone with cancer to receive advice about employment from occupational health or rehabilitation services.

As an employer or line manager, you may not always feel confident about how best to support an employee who is affected by cancer. There are challenges at the time of diagnosis, during treatment, at the time of return-to-work and afterwards. This is true for all employers, but a particular problem for smaller companies, which often lack the support of in-house occupational

health expertise. We also recognise that you need to meet the needs of other individuals in the workplace, and your organisation as a whole.

In these difficult situations, you are also affected yourself, both on a practical and a personal level. This guide offers you support in managing the impact of cancer on your employee, your staff and your business.

There are many straightforward steps you can take. For example, the simplest and easiest way you can help staff members with cancer is to plan their return-to-work carefully with them. Reasonable adjustments such as flexible working arrangements and a phased return-to-work can ease the transition back to work, when people are still dealing with the physical and emotional effects of cancer and its treatment.

The health of your employees is vital to the health of your business and a successful return-to-work after cancer is in everyone's interests. Macmillan has developed this guide to help. We hope you find it useful.

*Ciarán Devane*

Ciarán Devane  
Chief Executive  
Macmillan Cancer Support

# More people than ever are surviving after a diagnosis of cancer

Treatments for cancer are improving all the time and survival rates have doubled over the past 30 years. Nearly half of people diagnosed with cancer now survive for 10 years or more.<sup>3</sup>

According to international research, 6 in 10 people with cancer now return to work.<sup>4</sup> This trend means that colleagues, managers and employers are also increasingly likely to face cancer in the workplace. However, people who have finished treatment tell Macmillan they have difficulties returning to normal life, including work. For many people, this is a new experience and they are not sure how to handle it.

Cancer affects not only the person with the diagnosis, but also their family and close friends. When they are in work, carers have to balance the demands of the job with the needs of a loved one who is going through, or recovering from treatment.

Macmillan is responding to help people through these challenges. We are working with employers, government departments and medical and HR professionals to develop and test solutions to help employees return to work after a cancer diagnosis. People affected by cancer are key contributors to this process. Macmillan also provides a wide range of information resources on many issues, including employment (see 'Publications' on page 28).

<sup>3</sup> Cancer Research UK. Press release: Vision for 2020 launched as ten-year survival for cancer doubles in 30 years. 2007.

Available at: <http://info.cancerresearchuk.org/news/archive/pressreleases/2007/may/322682> Accessed May 2009.

<sup>4</sup> Spelten E, Sprangers M, Verbeek J. Factors reported to influence the return to work of cancer survivors: a literature review. *Psycho-Oncology*. 2002; 11: 124-131

# Benefits of best practice

Supporting employees so they can remain at work – or return when they are ready – has benefits for all concerned.

For employers, it means:

- reducing replacement, recruitment and induction costs, plus the associated management time
- retaining knowledge and experience
- helping managers support their teams more effectively
- building trust and loyalty with employees
- enhancing your reputation as a good employer.

Cancer is covered by the Equality Act 2010 and understanding best practice will help you meet your obligations as an employer under this legislation (see page 25).

For employees, a supportive approach from employers can reduce anxiety and provide the skills and confidence to deal with cancer at work. Research commissioned by Macmillan has shown that a good relationship with the employer and a phased return-to-work are two important predictors of a successful adjustment back to work.<sup>5</sup>

There is huge diversity among employers and it is obvious that one approach will not fit all situations. For example, small businesses employ 58% of the private sector workforce.<sup>6</sup> If this applies to your company, you may not have easy-access to occupational health or HR expertise. Circumstances differ if you are a rural or urban employer, in the public or private sector, and so on. However, there are common principles of good practice that should work for everyone.

<sup>5</sup> Amir Z, Neary D, Luker K. Cancer survivors' views of work 3 years post diagnosis: a UK perspective. *European Journal of Oncology Nursing*. July 2008; 12(3):190-7.

<sup>6</sup> Federation of Small Businesses website. [www.fsb.org.uk](http://www.fsb.org.uk). Accessed March 2009.

# How to use this guide

This guide aims to help you understand what your employee is experiencing and points out ways that you can support them. It provides practical tips to minimise the impact on your organisation and all individuals concerned.

The guide is divided into six main sections:

1. How cancer affects people, physically and emotionally
- 2 How to talk about cancer
- 3 Strategies to support employees affected by cancer and their co-workers
- 4 Impact on personal finances
- 5 Legislation, including the Equality Act 2010, and the rights of carers
- 6 How Macmillan can help.

At the end of each section, you will find additional resources, in case you need more details or advice.

Depending on your organisation's communication mechanisms, you may want to consider a training event as one way of disseminating this information to managers throughout your organisation. If someone on your team is affected by cancer right now, with their agreement, you might decide to go through this guide with their line manager and the employee themselves on a one-to-one basis.

An increasing number of employers have formal policies for people with cancer and/or carers. If you already have a policy, you may want to revisit it in light of this guide. Alternatively, your organisation may have broader policies that can be applied to people with cancer and/or carers. You can also access Macmillan's 'Cancer in the workplace' policy, Macmillan's 'Carers' policy and a 'Model cancer policy/template' (see below).

These guidelines form part of a larger toolkit which pools resources and guidelines for employers, HR and line managers. The toolkit also offers support and information to employees affected by cancer.

The toolkit comprises:

- *Work and cancer* booklet for employees
- *Working while caring for someone with cancer* booklet for employees who are carers
- Macmillan's *Cancer in the workplace* policy
- Model cancer policy/template
- Macmillan's buddying guidelines for HR teams.

These resources are available as downloadable pdfs in the 'working through cancer' section of our website [macmillan.org.uk/work](https://www.macmillan.org.uk/work)

*Cancer in the Workplace* DVD (developed in partnership with the Scottish Centre for Healthy Working Lives). This resource shows different scenarios of people who are affected by cancer in the workplace and the issues that this raises for them (the DVD scenarios are available in the 'working through cancer' section of our website [macmillan.org.uk/work](https://www.macmillan.org.uk/work) ).

The Macmillan helpline can provide emotional support to line managers and employees, as well as putting them in touch with other sources of information and support, freephone **0808 808 00 00**, (9am–8pm, Mon–Fri).

# 1 How cancer affects people

Cancer will affect people in many different ways, depending on the individual, the type of cancer they have and how it is being treated, and where they are on their cancer journey. How it will affect their working lives will vary widely.

When facing cancer, some people embrace work as a way of feeling 'normal' and in control.<sup>7</sup> Sometimes, carrying on with or returning to work can have an emotional benefit for individuals while they wait for a diagnosis, have treatment, or care for a loved one. For others, working is a financial necessity and a period of prolonged absence would create financial hardship.

Some people give up their jobs because their cancer is severe or symptoms make it impossible to work. The effects of treatment leave some people unable to work. Others may resign because their self-esteem or confidence has been damaged.

As a manager, you may be one of your employee's most important sources of support. You don't need to be a medical expert, but a basic understanding of cancer and its treatment can help you fulfil that role. This knowledge will allow you to plan for and recognise issues that may emerge at work.

## What is cancer?

Cancer occurs when cells – the building blocks of the body's organs and tissues – grow and divide abnormally. Cancer is not a single disease with a single cause or treatment. There are more than 200 different types of cancer, each with its own name and treatment. Some causes are known, but often the doctors simply can't say why a person has cancer.

The aims of treatment are different depending on the type of cancer, how far advanced it is, and the individual's overall health. Treatment may be given to cure a cancer, or to slow its progress and help relieve symptoms.

## FOR MORE INFORMATION

To find out more about different types of cancers and the different treatments, visit our website at [macmillan.org.uk/aboutcancer](https://www.macmillan.org.uk/aboutcancer)

For further information, you can also phone Macmillan's free and confidential cancer information nurse helpline on **0808 808 00 00**, (9am–8pm, Mon–Fri).

<sup>7</sup> Amir Z, Moran T, Walshe L, Iddenden R et al. Return to paid work after cancer: A British experience. *Journal of Cancer Survivorship*. 2007; 1: 129-131. (For a report on the research, see also: Macmillan Cancer Support. *The road to recovery: Getting back to work*. 2007. Available at [www.macmillan.org.uk](http://www.macmillan.org.uk)).



## Emotions

Going for tests and waiting to hear the results can be an anxious time. Deep emotions can overwhelm people during this stage. Many employees may wish to keep their situation confidential at this point. If they tell you what is happening, you can respond appropriately to their need for time off to attend medical appointments.

When someone receives a cancer diagnosis, the shock can make them feel numb at first. Some people can take a while to accept the fact that they have cancer and they may try to carry on as if nothing is wrong. Other emotions that people experience include:

- anger or bitterness
- sadness
- fear of the disease, treatment and dying
- loneliness and isolation.

If your employee hears that they have, or a loved one has a cancer diagnosis, they may need some time off to be with their family and collect themselves before coming back in to work.

Hearing that a previous cancer has recurred can also be devastating news for your employee, particularly if they face more treatment or if their medical options are becoming limited.

Uncertainty is one of the most emotionally difficult aspects of cancer. Doctors can't tell a person exactly what will happen. Some people manage this by taking one day at a time, not looking too far into the future.

Sometimes cancer puts people on an emotional rollercoaster. Distress can hit them out of the blue. If this happens to your employee, it might help to offer them a private space for a while. You may suggest they go home for the rest of the day. Ask if they would like you to call a relative or friend to come and travel with them.

## Your own emotions

You and your colleagues may also have strong feelings – this is only natural. Don't hesitate to ask for support in dealing with emotions of your own. Within the limits of confidentiality, it may help to talk to another manager in your workplace. You can also call our freephone Macmillan Support Line on **0808 808 00 00**. We are here to help anyone who is affected by cancer – including you.

## Fatigue

Fatigue is a common symptom of cancer and its treatment. For some people, it is a daily experience. It can be worse at different stages of treatment, or at different times of the day. Fatigue manifests itself in many ways and might persist long after treatment is over. It might mean your employee:

- finds it harder to perform certain tasks
- has less strength and energy than before
- has difficulty concentrating or remembering things
- becomes exhausted during meetings or after light activity
- struggles to control their emotions
- experiences dizziness or is 'light-headed' from time to time.

Fatigue, together with the other effects of cancer and its treatments, may mean that your employee might be unable to work for long periods. Tiredness can also make people irritable and affect how they relate to other people.

You can help your employee to cope with fatigue by offering various adjustments. Flexible working, working from home, reduced hours or lighter duties are a few of the options outlined later in this booklet. Simple steps like rest breaks or a short walk outdoors can really help.

If your employee is caring for someone with cancer, their loved one's fatigue can have an impact on them too. It can increase their need for time off so they can attend to caring responsibilities.

FOR MORE INFORMATION

To find out more about coping with fatigue, see our website [macmillan.org.uk/fatigue](https://www.macmillan.org.uk/fatigue) you can also order our booklet *Coping with fatigue* at [be.macmillan.org.uk](https://www.be.macmillan.org.uk) or call **0808 808 00 00**.

### Effects of treatment

There are many different kinds of treatment for cancer. Just what treatment your employee needs will depend on the kind of cancer and its stage (whether it has spread or not).

The three most common treatments are surgery, radiotherapy and chemotherapy. Sometimes a person may have more than one type of treatment.

Some people are surprised to find they have few problems with treatment. Other people may have significant symptoms from their cancer or side effects from treatment. Symptoms can build up over a period of time or change as treatment cycles progress. These can vary widely, depending on the individual's situation. Pain, skin reactions, poor appetite and nausea are a few examples. Your employee's medical team should offer them advice and possibly medicines to minimise symptoms and side effects like nausea, loss of appetite and fatigue. Try to make it easy for them to cope with their symptoms and side effects in the workplace. For example, frequent breaks to eat small snacks, access to a fridge or an alteration in their uniform might make life easier.

Cancer and its treatment can cause physical changes, so you and your colleagues may need to be prepared for this. Again, it depends on the individual. Obvious changes can include:

- hair loss
- changes in complexion or skin tone
- scarring
- altered appearance after surgery
- weight loss or gain.

Some phases of treatment can affect the person's immune system, making them more vulnerable to infection.

People who have finished treatment may not find it easy returning to normal life. They may struggle with emotions and fatigue, or need to adjust to changes that treatment has made to their body. Some treatments leave people with long-term side effects. Some individuals may be living with the knowledge that their cancer cannot be cured, even if they feel healthy. Many cancer survivors want to get back to work but may have difficulties in returning to their old jobs. They will need your understanding and support to do this successfully.

### If your employee is a carer

Becoming a carer is often unexpected and can be one of life's most emotional and physically demanding roles. Sometimes it is hard to juggle caring and employment at the same time.

Caring responsibilities may cause a problem with absences. For example, an employee might take sick leave when a crisis occurs, rather than ask for time off to care for someone with cancer. Often this is because people wrongly believe their caring role is not a legitimate reason to request leave. Being a carer can have an impact on both physical and emotional health. This can affect the carer's ability to work.

Cancer can be a fluctuating condition, with long cycles of treatment, often requiring outpatient appointments. Carers may need time off work at short notice. Side effects and symptoms can persist after treatment so the need for flexibility may remain for some time.

Your employee's commitment to their job and colleagues may mean they feel guilty if they are unable to complete their usual work. Caring responsibilities may also affect how an employee views their own career development. They may feel discouraged about seeking promotion or applying for a new job. Being a carer should not adversely affect an employee's longer-term job prospects, and it will be helpful if you can provide reassurance about this. Your employee will also appreciate it if you can explain the options for leave, your organisation's policies and their rights under current legislation (see page 15).

## FOR MORE INFORMATION

Your employee may benefit from further support. He or she is welcome to contact Macmillan's free and confidential helpline on **0808 808 00 00** for information and details of local self-help and support groups.

Macmillan also produces a booklet called *Working while caring for someone with cancer*.

This is available from **be.macmillan.org.uk** or by calling **0808 808 00 00**.

Macmillan also has a guide for carers, *Hello, and how are you?* It includes a section on employment as well as information about emotions, relationships and other issues. It can be found at **macmillan.org.uk/carers** or ordered from **be.macmillan.org.uk** or by calling **0808 808 00 00**.

**Other useful contacts include:**

Carers Direct  
(a service provided by the NHS)  
Helpline **0808 802 0202**  
**www.nhs.uk/carersdirect**

Carers UK  
Helpline 0808 808 7777  
**www.carersuk.org**

The Princess Royal Trust for Carers  
**www.carers.org**

## 2 How to talk about cancer

You may feel awkward talking about cancer. You will want to help, but it can be hard to know what to say. Try to tailor your approach to the individual.

People have different communication needs and styles. Some people naturally like to talk about their thoughts and feelings, while others are quite private. Cultural differences matter too. Some languages do not even have a word for cancer. In some communities it is taboo: something people do not think they should mention. People may be embarrassed to discuss the physical details of their cancer, especially if a person of the opposite gender is present. These differences are reflected in the way that people want to discuss how cancer is affecting them.

Communication about cancer, when handled effectively, can be very helpful to everyone concerned and there are clear strategies you can use to make these conversations easier (see page 15).

### Guidelines on sensitive communication

These are only guidelines. Communication is a very individual matter and you will need to judge the appropriate response for a given situation.

#### Try to:

- Choose a private place to talk and make sure you won't be interrupted.
- Be prepared for the meeting to overrun. Let your employee set the pace
- Show you are listening. Encourage conversation by nodding or with verbal cues like 'I see' or 'what happened next?'
- Show it's okay to be upset by remaining calm yourself, and allowing your employee time to recover if emotions spill over.
- Show empathy with phrases like, 'you sound very upset'.
- Respond to humour (but don't initiate it). If your employee tells a joke, it's a legitimate coping mechanism.
- Feel able to adjourn the meeting if your employee becomes too distressed to continue.

#### Try not to:

- Be afraid of silence. It's okay if the conversation goes quiet for a bit.
- Be too quick to offer advice – although sometimes people do not know what or how to ask.
- Use clichés like 'things could be worse' or 'things will work out'.
- Discount your employee's feelings.
- Share stories about other people you know who have cancer. This takes the focus away from your employee.

## First conversations

As soon as you become aware that an employee or their loved one has been diagnosed with cancer, encourage them to have a confidential and supportive discussion with their line manager, HR manager or occupational health manager (as appropriate within your organisation).

Some employees may prefer to look for help themselves and access existing policies without specifically revealing a cancer diagnosis, or having a meeting in the first instance. For others, an informal initial conversation may be preferable.

Your employee may wish to have a third party present at this or future meetings, such as a colleague, family member, friend, or trade union representative. This is fine, but the need to respect your employee's privacy is essential. Take notes at the meeting if your employee wishes, stressing they will not be circulated to anyone else outside the room without permission from the employee. At all times, take care to protect the confidentiality of this documentation. Communication and note-taking should be handled sensitively – this is not a grievance meeting.

If they can, let your employee take the lead by telling you what has happened. When it's time for you to move the conversation on, here are some points you could ask about:

- how they are feeling, emotionally and physically
- whether they wish colleagues to be informed and what information should be shared
- what sort of time off they might need for medical appointments and during treatment (they may not know at this point – it's often a case of seeing how things go).

You can also offer information about:

- the options for time off
- organisational policies on flexible working, work adjustment and return-to-work after sick leave
- their rights under the Equality Act 2010, which covers people with a cancer diagnosis, and other relevant laws such as carers' legislation (see page 25)
- any services your organisation offers to help them (for example, an employee assistance programme that provides counselling).

If your organisation has access to a welfare officer or occupational health expert, it could be helpful to involve them at an early stage if the employee wants their help.

Make sure you close the meeting with an assurance that your employee's work is valued and that your door is always open if they need your assistance. Agree how you will keep the lines of communication open, and set a date for the next meeting so you can keep on top of the situation.

## Telling colleagues

It is important that communication with colleagues, clients and customers is not haphazard or left to chance. Agree a communication plan with your employee early on, including what you will, and will not mention to others.

They may not wish to tell others they are affected by cancer. This must be your employee's decision. However, colleagues may be more understanding about absences, changes in work arrangements and new assignments if they know what is happening.

- If your employee agrees that others should know, ask them:
- if they want to break the news themselves
- if someone else should do it, and whether they want to be present
- how the news should be communicated, for example one-to-one, or in a meeting
- how much information should be shared and what should remain confidential.

When sharing information, concentrate on the impact your employee's illness may have on people and projects at work. Avoid personal details. Use positive language, but be honest about what to expect. Don't dramatise, and inform your team about how to best approach and talk with their colleague.

You can also invite staff to speak to you or another manager if they are having practical problems with the situation, or if they are feeling distressed. If you think it's appropriate, you can point them towards services like Macmillan, which can provide more support.

'I work in a not-for-profit organisation with employees spread around the country. Our office is a small, close group of just 15 and as soon as I got my diagnosis, I informed my boss. He was brilliant. He told me to take any time off that I needed and said, "We're here for you". He meant it. Even when the general manager visits, he makes a point of giving me five minutes to ask if there's any more support I need.'

**Dave, prostate cancer**

### FOR MORE INFORMATION

For more information on how to talk about cancer, you can order our free booklet, *Lost for words – how to talk to someone with cancer*, on [be.macmillan.org.uk](http://be.macmillan.org.uk) or by calling **0808 808 00 00**.

# 3 Workplace support strategies

There are many straightforward actions that will effectively support your employee and minimise the impact on daily operations.

This section of the guide covers:

- options for time off
- keeping in touch
- the role of occupational health
- return-to-work options
- adjustments to working arrangements and responsibilities
- leaving work
- bereavement.

## Options for time off

Agreeing some time off work will be one of your employee's most pressing needs. They should try to give you advance notice so you can arrange cover, but sometimes the unexpected occurs and this may not be possible.

People who are having tests, receiving treatment and recovering from cancer will need to attend medical appointments. They may need to stay in hospital, for example if they are having surgery. They may also benefit from receiving complementary therapies.

Your organisation should have clear policies about sickness leave – this is an essential part of the contract of employment. Your sickness leave policy should include information on how time off for medical appointments will be dealt with. Employers are obliged to pay Statutory Sick Pay (SSP) to qualifying employees who are off sick for four or more days in a row, including weekends and holidays. It is not payable for the first three days in any period of entitlement but thereafter is payable for up to 28 weeks at a weekly-rate subject to current limits. Of course, your employee may be entitled to occupational or company sick pay on top of SSP under their contract of employment. Your organisation may decide to pay over and above these statutory or contractual obligations.

*'From the moment I knew I had cancer, my employer could not do enough to help me through. It was a very bad time in my life but with their help they took some of the stress out of it, giving me support not only from HR, but also medical and welfare officers. After the first six months, I'd expected to go onto half pay, but they continued to pay me in full for another six months until I returned.'*

**Ann, breast cancer**

**If your employee is a carer**, he or she is legally entitled to take 'reasonable' time off to deal with an emergency affecting a dependant. Whether this is paid or not will depend on your organisation's policy (see 'Carers' rights' on page 26).

Other options you can explore with your employee include:

- compassionate leave
- parental leave (if their child has cancer)
- voluntary use of annual leave, particularly to alleviate any financial burden of taking time off
- flexible working (carers have the right to request this – see page 27)
- working from home
- reduced hours
- taking time off in lieu, if appropriate.

The above options aim to provide your employee with sufficient time off to look after their health or their loved one, keep your organisation running smoothly, and protect the employee as much as possible from financial hardship. You may need to provide the team with cover – for example, if the employee is unable to work for a long period, or if they choose reduced working hours. This should be discussed upfront with the employee. Be clear about your reasons for hiring temporary cover and be sensitive to the views and concerns of the employee. (They may feel that you do not have confidence in their treatment programme). Be clear that the extra resource is temporary. You should follow your organisation's standard procedures for employing temporary workers.

**FOR MORE INFORMATION**

There is more information about sick leave in our publication about state benefits, *Help with the cost of cancer*, at [macmillan.org.uk/financialsupport](https://www.macmillan.org.uk/financialsupport). Printed copies can be ordered through [be.macmillan.org.uk](https://www.be.macmillan.org.uk) or by calling **0808 808 00 00**.

For more information about managing absence and other employment issues, you can refer to the Chartered Institute of Personnel and Development (CIPD) website [www.cipd.co.uk](https://www.cipd.co.uk)

You can also learn basic facts about statutory sick pay (SSP) and other employment rights on the government's online information portal [direct.gov.uk](https://www.direct.gov.uk)

Carers UK offers advice on employment issues and rights, including time off. Go to [carersuk.org](https://www.carersuk.org)

Employers and employees can contact the Advisory, Conciliation and Arbitration Service (ACAS) for help on any employment issue, including absence management. The website also has useful information about this and other relevant topics. Go to [acas.org.uk](https://www.acas.org.uk) or phone their free, confidential telephone helpline **0845 747 4747**.



## Keeping in touch

People living with cancer often feel 'out of touch' with work during their absence. It is important to maintain appropriate contact with your employee during periods of sick leave. It will remind them that they are valued, but handle communication carefully because there is a risk that your employee might feel you are pressuring them to return too soon.

You should discuss your organisation's sickness absence policy with your employee. It is helpful to clarify responsibilities on both sides. If possible, discuss arrangements with your employee prior to their absence. Ask them if they want to receive newsletters and key emails. Do they want to hear from colleagues? If so, do they prefer phone or email? How frequently do they want to hear from the team?

Ask them to identify a good time to speak. Be aware that the pattern of cancer treatment may make it difficult for your employee to be in contact at certain times, and this may only become apparent after treatment is well underway. On the other hand, once you have agreed to call at a certain time on a certain day, keep to that arrangement as your employee may have deliberately made the effort to be 'up and about'.

Sometimes your employee may not want any contact. Explore their reasons and reassure them you just want to be supportive. It may simply be a reflection of how they are feeling at that point in time. You can revisit their decision at a later date when they may find the prospect of contact from work less daunting.

## The role of occupational health

Your employee and your organisation may benefit from the help of an occupational health adviser. This is a health professional, such as a nurse or doctor, who specialises in workplace health issues. Occupational health professionals draw on their clinical knowledge and an awareness of the specific duties and demands of the employee's role. You might consider consulting an occupational health professional at an early stage, before moving ahead with important changes or decisions affecting policies or individuals.

Most occupational health professionals serve in an advisory role for managers and employees. Occupational health advice can help you understand your responsibilities under employment and health and safety law. It can also inform business decisions about:

- reasonable workplace adjustments
- recruitment
- return-to-work
- ongoing employment
- release of company benefits such as pensions.

Occupational health advisers can also assist managers in undertaking an appropriate and specific risk assessment for individual employees with a chronic health problem, such as cancer. This is to help ensure, from a health and safety perspective, the appropriateness of the work the employee returns to.

When an employee has a cancer diagnosis, occupational health involvement is most likely to arise in relation to:

- fitness for employment when considering job applicants
- fitness for return-to-work after sickness absence
- where there is management concern about the health and safety or performance of affected employees.

Occupational health services are not provided free under the NHS and are offered at the discretion of employers. Survey data indicates that 98% of public sector employees and 36% of private sector employees have access to an occupational health professional through their employer.<sup>8</sup> Some large organisations have occupational health expertise in-house. Medium-sized and smaller organisations often access this expertise through external contracts, although some have not instituted any occupational health arrangements. Many commercial companies offer occupational health consultancy or you can opt for NHS Plus, an occupational health service (which charges fees) for small and medium-sized businesses. The NHS Plus website is [www.nhsplus.nhs.uk](http://www.nhsplus.nhs.uk)

### Return-to-work options

If your employee has been away from work having treatment, it can be difficult to know when they are ready to return. Macmillan's research into working and cancer found most employees surveyed received little, or no worthwhile medical advice about returning to work at the right time.<sup>9</sup> Many people are largely left to make this decision alone, based on when they feel it's the right time to return.

Many employees choose to share their cancer diagnosis with their employer. As a manager, you have no legal right to know the diagnosis or the clinical details of an employee's condition. In fact, employees have a right of confidentiality under the Human Rights Act 1998. However, civil law and medical ethics recognise that managers may legitimately seek information relating directly to operational matters.

For example, you could ask an occupational health professional for advice on questions relating to:

- likely duration of absence
- likely degree of disability on return-to-work
- likely duration of any such disability
- adaptations needed in the workplace to overcome the functional effects of disability
- impact of disability on performance and/or attendance
- impact of disability on health and safety
- consideration of alternative employment within your organisation.

If you do seek occupational health advice about an employee's condition (with their permission), you should frame your requests for information around questions that are relevant to running your organisation.

To some degree it will be a matter of trial and error. It will help if everyone is prepared to take it gradually, and possibly encounter some setbacks.

On the positive side, people who return to their jobs after cancer treatment often find their work takes on an increased importance in their lives. Work provides a sense of self-worth and allows an individual to focus on their abilities, not just their illness. A job can restore normality, routine, stability and social contact. Of course, for many people it is also crucial to regain the income, particularly if they have been on unpaid leave or reduced pay.

<sup>8</sup> Health and Safety Executive. Occupational Health Advisory Committee report and recommendations on improving access to occupational health support. 2000. Available at [www.hse.gov.uk/aboutus/meetings/iacs/ohac/access.htm#7](http://www.hse.gov.uk/aboutus/meetings/iacs/ohac/access.htm#7) Accessed May 2009.

<sup>9</sup> Macmillan Cancer Support. The road to recovery: getting back to work. 2007. Available at [www.macmillan.org.uk/Documents/Support\\_Material/Get\\_involved/Campaigns/Working\\_through\\_cancer/Working\\_through\\_cancer\\_Report.pdf](http://www.macmillan.org.uk/Documents/Support_Material/Get_involved/Campaigns/Working_through_cancer/Working_through_cancer_Report.pdf)

Joint return-to-work planning – where both you and your employee discuss and agree the best way forward – is a constructive approach. Cancer can be unpredictable so plans should be flexible, allowing for changes along the way. The possibility of flexible working and a gradual, phased return-to-work are potentially helpful ways of easing someone back into the workplace. It's important to involve the employee with cancer in a genuine dialogue and a joint decision-making process about their return-to-work.

It is a good idea to schedule a meeting with your employee at least a couple of weeks before they start their first day back on the job. This gives them a chance to ease back into work, hear important updates and raise any concerns about what to expect. It also allows you to find out how they are feeling and iron out any potential problems before they occur. It will help you plan any reasonable adjustments you might need to make in the workplace or to the employee's working day (see below).

For a successful return-to-work, you can try these specific steps:

- Welcome them back. Be there on their first day, or failing that, make sure you phone in. Make sure the rest of the team are expecting them, adding to the welcome.
- Meet at the start of the day to discuss their work plan and handover arrangements. This is another opportunity to check for concerns they may have.
- Arrange a smooth handover. Make sure they don't come back to a mountain of work and emails. Spread the work out so everything doesn't land on them at once. This may be the right time to start thinking about any adjustments to the individual's role or workplace. Your employee will be reassured

if they know that it may be possible to make adjustments to help them deal with specific challenges.

- Make them feel part of the team again. Treat all your employees equally to ensure everyone knows arrangements are fair and to avoid resentment.
- Carry out regular reviews. Agree a regular review process with your employee.
- This way, you can monitor their progress, ensure their workload is manageable and make any necessary adjustments to help them succeed.
- Make sure they are taking breaks and that they are not over-working.
- Consider a health and safety assessment, especially if there has been a change in duties or working arrangements. If they are working from home, you should assess this environment for health and safety too.
- Signpost sources of information and further support. On page 30, you will find more information about the range of services and resources Macmillan provides. There is also an A to Z of further information in Appendix 2, page 32. You can suggest talking to an occupational health or HR professional if this is possible in your organisation. If your employee benefits plan includes access to a confidential counselling service, you can let them know this is available.

Most of the points above can also apply to carers. In addition, carers may have additional difficulties re-entering the workforce. This may be due to loss of skills and confidence, but in circumstances where a carer is bereaved they are also likely to suffer emotionally. This is a very

personal situation but may be a further barrier to returning to work, and a carer may require help in overcoming these issues. Some people may just want to work through problems themselves.

'I had to take two months off work for treatment and recovery. My boss didn't contact me to ask how I was doing in all that time. It was only my email that got a response. When I returned to work, I was criticised for being negative and impacting on the rest of the team. I took up an offer of early retirement because I couldn't continue to work for someone who handles a cancer patient in such an insensitive way.'

**Fran, eye cancer**

### Reasonable adjustments

Under the Equality Act 2010, employers have a duty to make reasonable adjustments so that a disabled person is not placed at a disadvantage at work (for more details, see page 25). From the point of diagnosis people with cancer are protected by this law.

### Practical steps

You can take many practical steps to help your employee meet their potential at work. Here are some key examples:

- Plan for occasional absences for ongoing medical appointments and for days when your employee, or the person they care for, is not feeling 100%. Fatigue can persist long after cancer treatment has been completed
- Consider flexible working hours. This can help enormously if fatigue is a problem because it allows your employee to work when they feel strongest and have the most energy. Flexible hours mean your employee can avoid the strains of peak travelling times and this is also very helpful for carers.
- Home working has many of the same benefits as flexible hours. It allows your employee to conserve their energy for tasks. Make sure their home provides a suitable environment and that they have the required facilities and equipment to do the job. It's also important to make sure they stay in touch with colleagues and don't become isolated. For reasons of health and safety, you should carry out an assessment of their home workplace.
- Work breaks are helpful. A short rest in a quiet place can work wonders.
- Overtime should be discouraged. Check your employee is leaving work on time.
- Lone working may not always be advisable in case your employee unexpectedly feels unwell and needs assistance. If they are working from home, is another person present in the household so they are not alone on the job?

- Break tasks down into smaller steps. This makes the job more manageable and encourages a sense of achievement.
- Reallocating or changing work duties might be a practical solution. Manage this sensitively so colleagues do not feel over-burdened.
- Prioritise duties so your employee knows the most important tasks to concentrate on. This gives them a greater sense of control and achievement, and ensures the needs of the job are met.
- Adjust performance targets temporarily so they remain realistic for your employee.
- Changes in the work environment may be needed. Get a professional assessment as to whether your employee needs different equipment or a change in the location of their workstation. If mobility is a problem, having a car parking space closer to the entrance is helpful. Are there any issues with accessibility that should be considered and, if so, what changes would it be reasonable to make? The government's Access to Work scheme (see page 24) can help with mobility issues (see section on reasonable adjustments under the Equality Act 2010 on page 25).
- Suitable alternative employment may be an option if, despite best efforts, your employee is unable to fulfil their role. If the situation is likely to change in the future, this can be offered on a temporary basis with an agreed date for review.

Remember, changes to your employee's working conditions can be temporary or permanent and may have an impact on their terms of employment. Make sure the employee and the people responsible within your organisation are clear on this issue before substantial changes are agreed. Review your organisation's policies to determine what support can be offered. Any substantial and/or permanent changes should be confirmed in writing, and your employee should sign to indicate their agreement to the change.

These measures do not have to be expensive or disruptive. Many of these ideas are just common sense. Sometimes, small changes can make a big difference for your employee.

### Leaving work

If your employee wants to resign, it's important to clarify their reasons – why do they want quit? Sometimes important decisions are made when emotions are at an all-time low. Additional support, and an explanation of all the options, may lead to a different decision – and help you retain a valued member of staff.

Of course, for some people, leaving work is the best choice. If that is their decision, make sure your organisation's leaving procedures are followed.

Stopping work because of cancer can have serious financial implications. Resigning or retiring early can change a person's entitlement to state benefits, pensions and insurance (see page 23 for more information about personal finances). It is a complex area and every person's situation is unique. Because so much is at stake, encourage your employee to seek expert advice and establish what their position is, before any formal action is taken on either side.

## Bereavement

Unfortunately, although many people now survive cancer treatment, you may be in a position where your employee or their loved one dies.

If your employee is a carer, they will need time to grieve and see to the needs of their family. When there are children, your employee will need to give them extra emotional support. It is not always easy to predict when they will be needed at home.

This is obviously an emotional time for everyone concerned. Some people at work will not want to talk about their feelings but it helps if you can provide an appropriate opportunity (see page 12 for more details on how to talk about cancer).

At the same time, as an employer you will be responsible for practical steps. These might include:

- Informing colleagues within the organisation
- Telling clients, customers and suppliers. This can prevent embarrassment and pain if they should attempt to contact your colleague without knowing.
- Assisting the family. There should be just one point of contact between the employer and the family. Normally this would be the line manager or the HR department. Prompt action should be taken to settle financial matters such as remaining pay, pensions and insurance.
- Letting colleagues know about funeral arrangements. The family's wishes must be respected in every way. Ask what kind of contact and involvement they want from people at work.
- Returning belongings to the family. This should be done as soon as possible and with sensitivity.
- Arranging the return of any employer property, such as computers or a company car. Be sensitive about the timing.

Even if the team has known that a colleague is terminally ill, it can be extremely difficult to come to terms with their death. People will react differently and some team members will need your support, personal as well as professional. This could be an exhausting time for you, and you are not immune to grief. Remember to look after your own needs too.

### FOR MORE INFORMATION

If anyone at work needs someone to talk to, they can contact Macmillan's free and confidential Macmillan Support Line on **0808 808 00 00** for emotional support.

They can also contact:

**Cruse Bereavement Care**

Helpline **0844 477 9400**

**[www.crusebereavementcare.org.uk](http://www.crusebereavementcare.org.uk)**

(As a manager, you may find the practical information on this website particularly helpful.)

# 4 Personal finances

## Impact of employment changes

Cancer can have a serious impact on personal finances. People often experience a loss of income, and at the same time increased expenses such as travel costs to hospital. State benefits can be hard to understand and difficult to access. Research indicates that the benefits system is not well-designed to meet the needs of people affected by cancer – it is more like an obstacle course than a support mechanism.<sup>10</sup>

Decisions taken regarding employment can significantly affect a person's entitlements and long-term financial outlook. Before formally agreeing changes in working hours, resignation or early retirement, ensure your employee has obtained expert advice on the consequences for their own financial situation.

Financial factors that can be affected by employment changes include:

- a loss of income
- pension entitlement and payment levels
- payouts under insurance policies, including life, mortgage, income protection and critical illness schemes
- eligibility for state benefits. This can be a very significant source of new income for people affected by cancer. It may not occur to your employee to apply for benefits. Many important benefits for carers and people with cancer are not dependent on income and they may even be able to claim while in work. It's important to apply quickly so the person does not miss out on payments. You can refer your employee to one of the expert advice agencies listed below.

Your employee may wish to consult an independent financial adviser (IFA) in relation to queries about financial products such as pensions, insurance and investments. They can identify a qualified professional through a directory operated by the profession at **unbiased.co.uk** They can confirm an IFA's credentials by checking the Financial Services Authority website **fsa.gov.uk** IFAs may charge a fee for their services.

## Sources of advice

Other sources of free, reliable and impartial advice include:

### Citizens Advice Bureau (CAB)

The CAB can advise on a range of financial issues and will help people negotiate the benefits system. To find a local branch, look online at [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) The website also has useful fact sheets.

### The Pensions Advisory Service

The Pensions Advisory Service is an independent, non-profit organisation that provides free information, advice and guidance on the whole spectrum of pensions.

Helpline **0845 601 2923**

**[www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk)**

### Directgov – the official government website for public services and information

The best starting point for basic information on finances is the government's online information portal [www.direct.gov.uk](http://www.direct.gov.uk) This is a 'one-stop' shop with information on benefits, pensions, other finance matters and employment rights.

<sup>10</sup> Wilson K, Amir Z. Cancer and disability benefits: a synthesis of qualitative findings on advice and support. *Psycho-Oncology*. May 2008; 17(5):421-9.

Starting with this website, you may also want to explore the Access to Work programme. This is a Jobcentre-held budget that can 'buy' support to help the disabled or those with serious health conditions at work. It can be accessed by those who are in, as well as out of work. Costs are refunded to the employer or employee.

### Additional Macmillan resources

Macmillan can help with money matters. When people contact Macmillan, money is one of their most common worries. We are well-equipped to help, offering a wide range of publications and services.

Macmillan publications on financial matters can be ordered free of charge from [be.macmillan.org.uk](http://be.macmillan.org.uk). Here are just a few of the booklets on offer, as part of our *It All Adds Up* series, published with the Financial Services Authority:

- Financial planning
- Pensions
- Insurance
- Sorting out your affairs.

We also produce a comprehensive guide on state benefits called *Help with the cost of cancer* and a self-help guide to understanding the basics of debt management, *Managing your debt*. For information about how to access benefits and other kinds of financial support, your employee can call the Macmillan Support Line on **0808 808 00 00** or visit [macmillan.org.uk/financialsupport](http://macmillan.org.uk/financialsupport)

Macmillan also offers a free benefits awareness course and a national network of local financial advice centres that your employee can visit.



# 5 Legislation

The employment provisions of the Equality Act 2010 (the Act) come into force on 1 October 2010. The Act replaces current discrimination laws, including the Disability Discrimination Act (DDA), bringing them all together under one piece of legislation.

The Act aims to make discrimination legislation more consistent, clearer and easier to follow. It may require you to make some changes to the way you manage employees. This includes people who have cancer, or who care for someone with cancer.

We've put together this handy bite-sized breakdown of what the Act does to support people living with cancer, and what it means for you as an employer. It is not a substitute for legal advice. If you need more details on your rights, or legal advice, please contact a solicitor. While we endeavour to provide information of the highest quality, Macmillan will not accept any liability for the use, or inability to use any information provided in this booklet.

## How are people with cancer affected by the Act?

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 Equality Act. This protection from discrimination continues even when there is no longer any evidence of the cancer. So even if the cancer has been successfully treated, employees will continue to be protected against discrimination.

## So what's changed?

Like the DDA, the Act requires employers to make reasonable adjustments for employees with a disability. But it also includes important new provisions to prevent discrimination arising

from disability, indirect discrimination, and discrimination against carers. It also restricts medical questions being asked during the recruitment process.

Previously, protection did not extend to people who are mistakenly thought to have a disability. These people, and those who experience discrimination because of their association with a person who has a disability, are now protected against both direct discrimination and harassment.

## What aspects of employment are covered?

The Equality Act covers all aspects of employment including the recruitment process, terms, conditions and benefits, and opportunities for promotion and training. It also covers unfair treatment compared to other workers, such as dismissal, harassment and victimisation.

## What about carers?

The Act protects people who experience discrimination because they are associated with someone who has a disability. For example, it would be unlawful if the partner of someone who has cancer was refused promotion because of concerns that they would be unable to give sufficient attention to the job.

Note, however, that the Equality Act does not allow reasonable adjustments to be claimed for caring responsibilities, although other legislation

may provide the right to a 'reasonable' amount of unpaid time off work for caring responsibilities (see page 28).

### **Discrimination – the new law explained**

The rest of this section will discuss discrimination against disabled people, and this should be understood as including direct discrimination and harassment because of perception, association or a past disability. Here we go into a bit more detail about discrimination, and what you can do to avoid it.

#### **What is direct disability discrimination?**

Direct discrimination occurs where, because of their disability, a person receives poor treatment compared to someone who does not have a disability.

**Example: Razia was rejected when she applied for a job because her employer knew that she had previously had a cancer diagnosis. He was concerned that if it recurred she would have to take sick leave.**

This provision in the Act is intended to stop people who have a disability from being dismissed, refused a job, or receiving worse treatment at work because of prejudice or stereotypical assumptions.

Direct discrimination can occur even if it is meant with good intentions. For example, if an employer suggests that a person with cancer would be better off not being promoted because the new job would be too demanding.

#### **What is discrimination arising from disability? (changed from the DDA)**

Discrimination arising from disability (DAD) occurs when someone with a disability is treated unfavourably because of something *relating* to their disability. It is different from direct discrimination, which occurs when a person is

treated less favourably because of the disability *itself*. Unlike direct discrimination there is no need to show that a non-disabled person would have been treated differently.

**Example: Jim's boss gave him a poor appraisal because he had missed targets due to treatment and fatigue. Even if the employer treated other people in the same way for missing their targets, it would be unlawful to treat Jim like this unless the employer could show that the action was justified under the Equality Act.**

DAD only occurs when the unfavourable treatment cannot be justified. Action will be lawful if it can be shown that it is intended to meet a legitimate objective in a 'proportionate' (i.e. fair, balanced and reasonable) way.

It is important to understand the need to apply a flexible approach when a rule or practice disadvantages any employee who has a disability. Employers need to strike a balance between having a negative impact on that person, and any potentially lawful reasons for the action.

DAD will also be lawful if the employer can show that he or she did not know, and could not be reasonably expected to know, that the person was disabled. You should therefore take reasonable steps to find out if an employee has a disability.

This is a new provision which replaces previous protection in disability discrimination law that was not fully effective. The way in which an employer can legally justify treatment that has a negative impact on a disabled person has also changed.

### **What is indirect disability discrimination? (changed from the DDA)**

Indirect disability discrimination happens when there is a rule, policy or practice that applies to everyone, but which disadvantages people with a particular disability compared to people without that disability.

**Example: An employer used the amount of sick leave taken by employees as criteria for selection of redundancy. Kathleen had taken time off work because of cancer. The rule would affect her, and other people with cancer, adversely compared to people who do not have cancer. It would constitute indirect discrimination unless the employer could show that it was legally justified.**

Action will be lawful if it can be justified as meeting a legitimate objective in a fair, balanced and reasonable way.

As with DAD, it is necessary for employers to strike a balance between the negative impact of rules or practices on some people and the reasons for applying them. You will therefore need to consider whether there is any other way to meet your objectives that will not have a discriminatory effect.

### **What is harassment?**

Disability harassment is unwanted behaviour related to disability. It has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

**Example: Following her chemotherapy, Rebecca's colleagues were constantly teasing her about her hair loss. She felt humiliated but didn't feel able to challenge them. She complained to her manager, who then spoke to staff.**

### **What is victimisation? (changed from the DDA)**

It is unlawful victimisation for an employer to treat someone badly because they have made a complaint about discrimination or harassment under the Equality Act, or helped someone else to make a complaint, or because the employer thinks that they may do these things. This applies whether or not the person is disabled.

**Example: Jim's boss was being awkward about his request for time off for a chemotherapy appointment. Jim reported the problem to the Human Resources department. The HR manager told Jim's boss that she had to give him the time off. Jim's boss was angry that Jim went 'over her head', and as a result stopped Jim from going on a training course, and also gave him a poor appraisal.**

Under the new Act, there is no need for a victim to prove that they have been treated less favourably than someone who has not made a complaint. The employee only needs to show that they were treated badly.

### **What are the limits on medical questions during recruitment? (changed from the DDA)**

Employers can no longer ask questions about a candidate's health during the recruitment process. This includes asking whether or not a candidate has a disability. You can only ask someone about their medical circumstances after they have been offered the job.

If, on the basis of this information, an employer then withdraws the job offer they will need to make sure that this is on a non-discriminatory basis. This includes considering any reasonable adjustments that could be made to allow the person to take up the post.

It is still acceptable to ask questions about a person's health for the following purposes:

- equality monitoring
- to conduct positive action
- to enquire whether reasonable adjustments are needed for the recruitment process
- to establish whether the job applicant will be able to carry out a function that is fundamental to the role.

If a job involves heavy lifting, for example, you have the right to find out if a health condition could prevent a candidate from carrying out that task.

### What are reasonable adjustments for disabled people?

Employers have a duty to make 'reasonable adjustments' to workplaces and working practices to ensure that people with a disability are not at a disadvantage compared to others. There is no fixed definition of 'reasonable'. What is reasonable will depend on all the circumstances, including practicality, cost, and the extent to which business may be disrupted.

Any planned adjustments should be discussed with, and approved by, the employee concerned.

Reasonable adjustments for someone with cancer might include:

- letting them take time off to attend medical appointments
- modifying a job description to remove tasks that cause particular difficulty – either on a temporary or permanent basis
- being flexible around working hours, or offering the option to work from home
- allowing extra breaks to help them cope with fatigue
- adjusting performance targets to take into account the effect of sick leave/fatigue etc on the employee, or giving them a post with more suitable duties

- moving a work station, for example to avoid stairs
- ensuring easy access to premises for someone who is using a wheelchair or crutches
- providing disabled toilet facilities
- allowing a gradual, phased return to work after extended sick leave
- changing the date or time of a job interview if it coincides with a medical appointment.

Just one or two little changes could be all it takes to help an employee stay in work.

## Other relevant legislation

### Carers' rights

#### Time off for dependants

Under the amended Employments Rights Act 1996, employees have the right to take a 'reasonable' amount of unpaid time off work in order to deal with particular situations affecting their dependants. Some organisations enhance this and provide paid time off for employees in these circumstances.

A 'dependant' is defined as a spouse, civil partner, child or parent (but not grandparent) of the employee or a person who lives in the same household as the employee. In addition, 'dependant' includes those who reasonably rely on the employee to provide assistance if a dependant falls ill or to make arrangements for the provision of care.

An employee is only entitled to take time off for dependants under this statutory right where it is necessary for that person:

- to provide assistance if a dependant falls ill
- to make longer-term care arrangements for the provision of care for a dependant who is ill or injured. This would include, for example, arranging to employ a temporary

carer. It does not enable the employee to take additional or ongoing time off to care for the dependant themselves

- to deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant.

It should be noted that the statutory regime does not apply to planned time off to care for dependants (for example, to take them to a medical appointment).

What counts as a reasonable amount of time off will depend on the individual circumstances. The nature of the incident, the closeness of the relationship between the employee and the dependant and the extent to which another person was available to assist are all relevant factors. An employer should always take into account the employee's individual circumstances. Decisions should always be based on the facts of each case.

### Right to request flexible working

Under the Work and Families Act 2006, Carers who meet the eligibility criteria can make a request to work flexibly, such as changing hours or working from home. There is no automatic right to actually work flexibly; rather the right is to make a request to do so. Employers can refuse a request, but only on specified grounds. Employees can appeal against such a refusal. If a request is granted, it will be a permanent change to the employee's contract, unless agreed otherwise.

The definition of a carer is someone who is, or expects to be, caring for a person aged 18 or over who is in need of care and who is either:

- a spouse, partner or civil partner
- a close relative (parent, parent-in-law, child, sibling, uncle, aunt, grandparent, step-grandparent) or someone who is living at the same address.

### Confidentiality

The Human Rights Act 1998 protects an individual's right to have personal information kept private, this includes medical information. An employer does not have an automatic right to access medical information about an employee. However, an employer may ask an employee for their consent to seek a medical report on their condition from their doctor or other health professional. The employee has the right to see any medical report provided by their GP or treating health professional before it is supplied to the employer.

It is helpful if the person affected by cancer agrees that colleagues and clients can be informed about their condition. However, an employer may not divulge this information without the employee's consent. Employers should take care to protect the employee's records, including emails and any notes from meetings containing details about the employee's medical condition. This is sensitive personal data and should be treated as such.

### Further information

If you'd like to know more, or you have questions about work and cancer that we haven't covered here, you can find us online at [macmillan.org.uk/work](http://macmillan.org.uk/work). Or speak to us over the Macmillan Support Line on **0808 808 00 00**.

'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 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**

## 6 How Macmillan can help

Anyone affected by cancer can turn to Macmillan for practical help and emotional support. If you need to talk to someone who understands what you're going through, or find useful information about cancer, we are here.

### Website

For information on just about any aspect of cancer, online forums and access to our full range of services, visit our website at [www.macmillan.org.uk](http://www.macmillan.org.uk). You will also find a section dedicated to cancer and employment at [www.macmillan.org.uk/work](http://www.macmillan.org.uk/work).

### Macmillan Support Line

If you have any questions about cancer, ask Macmillan. If you need support, ask Macmillan. Or if you just want someone to talk to, ask Macmillan.

Our cancer support specialists are here for everyone affected by cancer, whatever you need. Call free on **0808 808 00 00**, Monday to Friday, 9am to 8pm.

We have an interpretation service in over 200 languages. Just state, in English, the language you wish to use when you call. If you are deaf or hard of hearing, you can use our textphone service on **0808 808 0121**, or the Text Relay system.

### Publications

Macmillan offers a wide range of high-quality, expertly developed booklets and leaflets for people affected by cancer. The range includes information on cancer types and treatment options, and emotional, practical and financial issues. To see our full range of publications, and order them free of charge, please go to [be.macmillan.org.uk](http://be.macmillan.org.uk) or call **0808 808 00 00**.

### Cancer information and support centres

When people visit our centres they can talk through issues and concerns with our staff and trained volunteers. Our centres hold booklets, leaflets, videos and other sources of information about cancer. Some centres offer other services such as self-help and support groups, or complementary therapies. We also run mobile information centres which visit high streets, communities and events. To find one near you, visit our website [macmillan.org.uk/informationcentres](http://macmillan.org.uk/informationcentres) or phone **0808 808 00 00**.

### Self-help and support groups

Talking to people who have been through a similar experience can be valuable. They understand what you are going through in a way that no one else can. Macmillan supports over 900 independent cancer self-help and support groups and organisations across the UK.

We can put you in touch with a group near your home or workplace. To find one near you, visit our website [macmillan.org.uk/supportgroups](http://macmillan.org.uk/supportgroups) or phone **0808 808 00 00**.

### Macmillan nurses

There are more than 3000 Macmillan nurses working in hospitals and in the community across the UK. They are a valued and trusted source of expert advice, support and information – available to the public free of charge. To obtain the services of a Macmillan nurse, a person must be referred by their GP or hospital consultant, a district nurse or a hospital ward sister.

# Appendix 1: Summary of key Macmillan research

The Macmillan Research Unit (MRU) at the University of Manchester is studying return to work after cancer treatment.

The unit, led by MRU director Dr Ziv Amir, began in 2005 by conducting a comprehensive review of the scientific literature on the subject. The researchers also surveyed 284 people with cancer and followed up by interviewing 41 of these people in greater depth.<sup>11</sup> Here are some of their key findings:

- Many people with cancer are keen to 'get back to normal' and being at work is an important part of achieving this goal.
- There is a lack of suitable medical advice to help people understand the impact on their working lives, and to help them return to work at the right time.
- Employers have a vital role to play. A good relationship with an employer or line manager increases the likelihood of a successful return to work.
- People who are able to have a phased return to work find this very helpful.

Dr Amir's team researched the experiences, views and needs of line managers. In general, line managers are more likely to take a supportive and positive attitude towards staff with cancer. Negative or unsupportive attitudes are less common. They feel they shoulder too much responsibility on their own – for example, in managing attendance. They do not think these difficulties are always recognised by more senior managers. Finally, line managers say they need more advice and guidance.

We asked line managers about their experiences of working with people affected by cancer. They told researchers that support and direction from senior management is often lacking.

Line managers reported difficulty dealing with the emotional issues that arose, and striking a balance between the needs of the individual and those of the organisation. They said they would appreciate training and improved internal communications.

In other research funded by Macmillan, occupational health professionals reported that line managers are often supportive of employees affected by cancer. However, many felt that communication between occupational health professionals and line managers was not always clear.<sup>12</sup>

<sup>11</sup> Amir Z., Neary D. & Luker K. Cancer survivors' views of work 3 years post diagnosis: a UK Perspective. *European Journal of Oncology Nursing*. July 2008; 12(3): 190-7.

<sup>12</sup> Amir Z, Wynn P, Whitaker S, Luker K. Cancer survivorship and return to work: UK occupational physician experience. *Occupational Medicine*. London. December 2008. (Advance access).

## Appendix 2: A to Z of further sources of information and advice

Advisory, Conciliation and Arbitration Service (ACAS)  
Helpline 0845 747 4747  
Web [www.acas.org.uk](http://www.acas.org.uk)

Carers Direct (a service provided by the NHS)  
Helpline 0808 802 0202  
Web [www.nhs.uk/carersdirect](http://www.nhs.uk/carersdirect)

Carers UK  
Helpline 0808 808 7777  
Web [www.carersuk.org](http://www.carersuk.org)

Chartered Institute of Personnel and Development (CIPD)  
Tel 020 8612 6200  
Web [www.cipd.org.uk](http://www.cipd.org.uk)

Citizens Advice Bureau (CAB)  
Web [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Crossroads Care  
Tel 0845 450 0350  
Web [www.crossroads.org.uk](http://www.crossroads.org.uk)

Cruse Bereavement Care  
Helpline 0844 477 9400  
Web [www.crusebereavementcare.org.uk](http://www.crusebereavementcare.org.uk)

Directgov (government information portal)  
Web [www.direct.gov.uk](http://www.direct.gov.uk)

Equality and Human Rights Commission  
Helpline (England) 0845 604 6610  
Helpline (Scotland) 0845 604 5510  
Helpline (Wales) 0845 604 8810  
Web [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Equality Commission for Northern Ireland  
Enquiry line 0289 089 0890  
Web [www.equalityni.org](http://www.equalityni.org)

Financial Services Authority  
Consumer helpline 0845 606 1234  
Web [www.fsa.gov.uk](http://www.fsa.gov.uk)

Macmillan Cancer Support (for practical, medical, emotional and financial support)  
If you have questions about cancer, need support or just want someone to talk to, call our free Macmillan Support Line on 0808 808 00 00.

Web [www.macmillan.org.uk](http://www.macmillan.org.uk)

The Pensions Advisory Service  
Helpline 0845 601 2923  
Web [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk)

The Princess Royal Trust for Carers  
Web [www.carers.org](http://www.carers.org)

Unbiased.co.uk (portal for professional advice)  
Web [www.unbiased.co.uk](http://www.unbiased.co.uk)



Macmillan Cancer Support improves the lives of people affected by cancer. We provide practical, medical, emotional and financial support and push for better cancer care. One in three of us will get cancer. Two million are living with it.

We are all affected by cancer.  
We can all help.  
We are Macmillan.

For further copies visit  
[www.macmillan.org.uk/work](http://www.macmillan.org.uk/work)

Questions about living with cancer?  
Call free on 0808 808 00 00 (Mon–Fri 9am–8pm).  
Alternatively, visit [macmillan.org.uk](http://macmillan.org.uk)

Macmillan Cancer Support,  
89 Albert Embankment, London SE1 7UQ

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