YOUR RIGHTS AT WORK WHEN YOU ARE AFFECTED BY CANCER
About this booklet

This booklet is for people affected by cancer, including carers, who would like to know more about their rights at work.

Almost one in five people (18%) who return to work after cancer say they experience discrimination from their employer or colleagues (Macmillan Cancer Support/YouGov online survey, 2016).

Legislation protects you from being treated unfairly at work because of cancer. This booklet explains what it means to be discriminated against because you have cancer, and how the law protects you.

If you have cancer or are caring for someone with cancer, and you are in paid employment, your employer should try to help and support you. If you have cancer, your employer should make adjustments to let you do your job during and after your treatment, where reasonable. This booklet explains the kinds of reasonable adjustments your employer may make.

The legislation doesn’t just protect employees. It also protects people applying for jobs and people who are self-employed.

In this booklet, we’ve included quotes from people affected by cancer who have chosen to share their story with us. If you want to share your story, visit macmillan.org.uk/shareyourstory
See the inside front cover for details of all our work and cancer resources and how to order them.

Your data and the cancer registry

When you are diagnosed with cancer in the UK, some information about you and your health is collected in a cancer registry. This is used to plan and improve health and care services. Your hospital will usually give this information to the registry automatically. There are strict rules to make sure the information is kept safely and securely. It will only be used for your direct care or for health and social care planning and research.

Talk to your doctor or nurse if you have any questions. If you do not want your information included in the registry, you can contact the cancer registry in your country to opt out. You can find more information at macmillan.org.uk/cancerregistry
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Adrienne
YOUR RIGHTS AT WORK IF YOU HAVE CANCER

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How people with cancer are protected from discrimination

If you have cancer, the law considers you to be disabled. This means you cannot be treated less favourably than others because you have cancer. If you are treated less favourably because you have cancer, this is called discrimination.

Legislation protects you from being discriminated against at work because of cancer.

• If you live in England, Scotland or Wales, the Equality Act 2010 protects you.

• If you live in Northern Ireland, the Disability Discrimination Act 1995 (DDA) (as amended) protects you.

This legislation doesn’t just protect employees. It also protects people applying for jobs and, in many cases, people who are self-employed.

Carers are also protected from some types of discrimination. See pages 26–31 for more information.
Which areas of employment are covered by this legislation?

The Equality Act and the DDA cover all areas of employment. This includes:

• the recruitment process
• your terms and conditions of employment, and any benefits
• opportunities for promotion and training.

The protection doesn’t end when your cancer treatment finishes. If you have been diagnosed with cancer you have legal protection against discrimination, even when there is no longer any evidence of you having cancer.

This means your employer must not treat you less favourably for any reason related to cancer you’ve had in the past. This protection applies even if you no longer need treatment or you move to another employer.
How to check your rights

If you’re unsure about something you are experiencing at work, it’s a good idea to speak to an employment lawyer or an employment organisation (see pages 57–59).

There are also a number of ways you can check your employment rights for free:

• Check your employer’s policies and talk to your human resources (HR) department.

• Contact your trade union if you are a member.

• Visit macmillan.org.uk/work where you can download our guide to reasonable adjustments.

• Contact Citizens Advice (see page 57).

• Visit the government websites gov.uk (England, Scotland and Wales) or nidirect.gov.uk (Northern Ireland).

• Contact the Equality Advisory Service (England, Scotland and Wales) or the Equality Commission for Northern Ireland for free, confidential advice.

• Contact the Advisory, Conciliation and Arbitration Service (ACAS) or the Labour Relations Agency in Northern Ireland.

• Call the Macmillan Support Line on 0808 808 00 00.
There may be professional groups in your area that can give people affected by cancer advice about employment issues. You can ask your cancer nurse specialist if there are any groups near you.

If you think you are being discriminated against, there are a number of things you can do to help yourself. These are explained on pages 34–35.

Depending on your situation, you may find you need to take more formal action. This might include taking out a formal grievance, and possibly going on to an employment tribunal.

See pages 36–43 for help with dealing with unresolved problems.
Reasonable adjustments

If you have cancer and are in paid employment, your employer should try to help and support you. Both the Equality Act and the DDA say that your employer has to make **reasonable adjustments** to your workplace and their working practices.

They are required to do this when the workplace or their working practices mean you are at a ‘substantial disadvantage’ because you have cancer. The disadvantage has to be ‘more than minor or trivial’.

There is no fixed description of what a reasonable adjustment is. But it will depend on things like:

- how much the adjustment costs
- how much the adjustment will benefit you
- how practical it is to make the adjustment
- the financial and other costs of making the adjustment
- how much the adjustment will disrupt the employer’s activities.

Your employer doesn’t have to make a reasonable adjustment unless they know (or should reasonably know) that you have cancer. You should be fully consulted and involved in the adjustment process at every stage. It is usually in the interests of both you and your employer to work together to make adjustments which will allow you to continue working.

Our guide to reasonable adjustments is available to download from [macmillan.org.uk/documents/cancerinfo/reasonableadjustmentsguide.pdf](http://macmillan.org.uk/documents/cancerinfo/reasonableadjustmentsguide.pdf) You could use the guide to help you talk to your employer about returning to work or staying in work after cancer.
Examples of reasonable adjustments

Below are some examples of reasonable adjustments an employer might make if an employee has cancer. Remember that what counts as a reasonable adjustment will always depend on the situation.

• Giving you time off to go to medical appointments or for rehabilitation.
• Changing your job description to remove tasks that you would find hard to do because you have cancer, or (temporarily) allocating some of your work to a colleague.
• Allowing you to work more flexible hours.
• Giving you extra breaks if you feel very tired.
• Letting you do just light duties for a temporary period.
• Changing your performance targets to take into account the effect of any sick leave or treatment side effects, such as fatigue.
• Moving you to a role with more suitable duties (with your agreement).
• Changing where you work. For example, they might move you to a ground floor office if you find it difficult to climb stairs.
• Making sure you can access your work building if you use mobility equipment, such as a wheelchair or crutches.
• Giving you computer equipment that might help, such as voice-activated software if you can’t type.
• Letting you work from home.
• Providing an accessible toilet.
• Allowing you to return to work gradually after a long period of time off work. This is known as a ‘phased return’.
Examples of disability discrimination

Discrimination connected to cancer can occur in lots of different ways. Whether or not you have been discriminated against will depend on your individual situation. But here are some examples of what could be disability discrimination if you have cancer:

- An employer not making reasonable adjustments (see pages 10–11) to help you to do the job. For example, adjustments to help you cope with fatigue.

- An employer giving you a warning for having a lot of time off sick, without taking your cancer diagnosis into account.

- An employer suggesting that it would be better if you retired or stopped working because you have cancer.

- Being dismissed for a reason related to having cancer.

- Being moved to a lower-paid or less demanding job without your agreement, for a reason related to having cancer.

- Not getting a promotion in favour of someone with less experience or ability to do the job because of a reason related to having cancer.

- Being chosen for redundancy for a reason related to having cancer. For example, if you have used more sick leave than your colleagues (because you have cancer or because of treatment related to cancer).

- Not being given a job because you have cancer.

- Not being allowed time off for medical appointments connected to having cancer.
• Having a bad appraisal or performance review for a reason connected to having cancer. For example, if you have had a lot of sick leave or tiredness and so haven’t met targets or objectives.

• An employer making it difficult for you to get sick pay that you’re entitled to.

• Harassment (see page 18), which is when an employer or colleague bullies, intimidates, insults you or makes you feel uncomfortable because you have cancer, so you feel you can’t stay in your job. For example, this could include being teased, laughed at or whispered about by colleagues because of hair loss.

• Victimisation (see pages 18–19), which is when you are treated unfairly because you complained about discrimination, or helped someone make a complaint, or because your employer thinks you might make a complaint.

‘I started my new role and in the first week I told my employers that I’d had cancer, because I needed time off for medical appointments. But they were shocked – and from that point on my job was made very difficult.

They weren’t understanding or supportive. I was made to work long hours, and was given impossible deadlines and an unfair contract.’

Cathy
Types of disability discrimination

Employment legislation covers different types of disability discrimination. The Equality Act protects people in England, Scotland and Wales from all of them. The DDA protects people in Northern Ireland from some of them. They are:

• direct disability discrimination
• discrimination arising from disability (not covered in the DDA, so not applicable in Northern Ireland)
• indirect disability discrimination (not covered in the DDA, so not applicable in Northern Ireland)
• disability harassment
• victimisation (partly covered in the DDA)
• failure to make a reasonable adjustment (see pages 10–11).

Over the next few pages we’ll explain these different types and give you some examples of discrimination in the workplace.
Direct disability discrimination

Protection from direct disability discrimination applies in England, Scotland, Wales and Northern Ireland.

Direct disability discrimination is when, because of your disability, you receive less favourable treatment than someone who doesn’t have that disability.

Direct discrimination can happen even if it is meant with good intentions. For example, your employer might suggest that being promoted would be too demanding for you because you have cancer. But it would be acceptable for your employer to have a sensitive conversation with you about the impact of a new job on your health.

Some problems may happen because of misunderstandings about cancer. Your employer may assume that you can’t do the same job any more. Or they may assume that you might be less committed to work because of your illness or that the stress of having cancer makes you less suitable for promotion.

Your colleagues may also think that they will need to do extra work because you can’t do your job. Any of these attitudes towards people with cancer can lead to subtle or obvious discrimination at work.

Razia applied for a job but she was rejected because the employer knew that she had had a cancer diagnosis in the past. The employer was worried that Razia would have to take sick leave if the cancer came back.
Discrimination arising from disability

Protection from discrimination arising from disability (DAD) applies in England, Scotland and Wales, but not in Northern Ireland.

DAD is when someone with a disability is treated less favourably because of something that happens as a consequence of their disability.

It’s different from direct disability discrimination, which is when someone is treated less favourably because of the disability itself. With DAD you don’t need to show that a non-disabled person would have been treated differently.

In some cases DAD may be justified. Your employer has to be able to prove that treating you that way is meant to help achieve an aim of the organisation in a fair and balanced way. Your employer must also show that they have considered any reasonable adjustments (see pages 10–11). Whether DAD can be justified will depend on the individual circumstances.

There will be no DAD if your employer can show they didn’t know, and couldn’t reasonably be expected to know, that you have a disability. They must have taken all reasonable steps to find out if you have a disability.

Dafydd missed targets at work because of treatment and fatigue related to his cancer. His boss gave him a bad appraisal because of this. Even if his employer treated other people the same way for missing their targets, it would be against the law to treat Dafydd this way unless his employer could show it was justified under the Equality Act.
Indirect disability discrimination

Protection from indirect disability discrimination applies in England, Scotland and Wales but not in Northern Ireland.

Indirect disability discrimination is when there is a rule, policy or practice that applies to everyone, but it puts disabled people at a disadvantage compared to people who don’t have a disability.

As with DAD, a rule, practice or policy may not be classed as indirect disability discrimination if your employer can show it is meant to help achieve an aim of the organisation in a fair and balanced way. Your employer must also have considered any reasonable adjustments.

Unlike DAD, your employer does not need to know about your disability to indirectly discriminate against you.

Kathleen’s company had to make some people redundant. One of the selection criteria was how much sick leave people had taken. Kathleen had taken time off work because of cancer so she was at a disadvantage compared to other people who had not had cancer. This is indirect discrimination unless the employer can show that it can be justified under the law.
Disability harassment

Protection from disability harassment applies in England, Scotland, Wales and Northern Ireland.

Disability harassment is when you experience unwanted behaviour related to your disability, which causes you to feel intimidated, degraded or offended.

Rebecca lost her hair after chemotherapy. Her colleagues teased 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 the staff.

Victimisation

Protection from victimisation applies in England, Scotland and Wales, and partly in Northern Ireland.

Victimisation is when you are treated unfairly because you have done, or will do (or someone thinks you have done or will do), something that is protected by law. This includes making a complaint about discrimination or harassment under the Equality Act or the DDA.

It also applies if you have helped someone else to make a complaint and are treated badly. And it applies if your employer thinks you may make a complaint or help someone to make one. This is the case whether you are disabled or not.
In England, Scotland and Wales, under the Equality Act you only need to show you were treated unfavourably and you must genuinely believe this is true.

In Northern Ireland, under the DDA you also need to prove that you have been treated less favourably than someone who has not made a complaint.

You are not protected by legislation if you don’t act honestly and don’t believe what you are saying is true. But you will be protected if you give information that is wrong but which you genuinely thought was true at the time.

Jim needed time off from work to go to a chemotherapy appointment. His boss was being awkward about his request. Jim reported the problem to the human resources department and the HR manager told Jim’s boss she had to give him the time off. Jim’s boss was angry that Jim had spoken to the HR department so she stopped him from going on a training course and gave him a bad appraisal.
Vicarious liability

An employer can be held responsible for how its employees behave during their employment. This is called being vicariously liable. An employer could be vicariously liable for direct disability discrimination or harassment that you experience from other employees because you have cancer.

An employer could also be vicariously liable for harassment if you experience unwanted behaviour from other employees because you are a carer.

Paula’s husband Mark was having chemotherapy. While Paula was at work, her colleague made offensive comments about Mark’s cancer and his hair loss.

Paula felt the comments were creating a humiliating or degrading environment, so her employer could have been held responsible for this harassment. This is unless the employer could show they took all reasonable steps to prevent the harassment.
As a family we knew this was what he wanted and we all agreed to rally around to help Joyce cope with his care.

Adrienne
Questions about your health during recruitment

England, Scotland and Wales

Generally, when you apply for a job, an employer can only ask questions about your health before they offer you a job in certain circumstances. This could be to:

• make sure they are not discriminating against anyone in their recruitment process

• make sure they recruit people from a range of different groups, such as people with disabilities or people from ethnic minorities – this is called carrying out positive action

• check whether you need any reasonable adjustments for the recruitment process – for example, if you need to have the interview in a ground floor room

• find out whether you will be able to do a task that is a main part of the job. For example, if a job requires a lot of heavy lifting, they have the right to find out if a health condition could stop you from doing that task.

An employer can ask you about your health after you have been offered the job. But if an employer takes away a job offer because of what you have told them about your health, they have to have a reason for doing it which does not discriminate against you. They also have to think about any reasonable adjustments they could make to allow you to do the job (see pages 10–11).
Northern Ireland

An employer can ask you about your health when you apply for a job. But they still cannot discriminate against you because of your disability when you apply for a job.

An employer also has to think about any reasonable adjustments they could make to allow you to do the job (see pages 10–11).

‘Nobody with cancer should have to fight their employers at the same time. The cancer is hard enough on its own.’

Cathy
As a family we knew this was what he wanted and we all agreed to rally around to help Joyce cope with his care." Adrienne
YOUR RIGHTS AT WORK IF YOU ARE A CARER

How carers are protected from discrimination
How carers are protected from discrimination

At work, the Equality Act (in England, Scotland and Wales) and the DDA (in Northern Ireland) can, in certain circumstances, protect carers from:

- direct disability discrimination
- harassment
- victimisation.

Direct disability discrimination

This is when you are treated less fairly than somebody else because you are associated with someone who has cancer. The person with cancer is protected by the law because of their disability.

Direct disability discrimination includes situations where, because you’re a carer, you are:

- not offered a job
- refused promotion, for example because your employer is worried you won’t be focused on the job
- given less favourable employment terms (for example, lower pay).
Harassment

This is when you experience unwanted behaviour because you are associated with someone who has cancer. The behaviour may cause you to feel intimidated, degraded or offended.

Whether or not the unwanted behaviour is harassment will depend on how you view the behaviour, and on whether it was reasonable for the behaviour to have made you feel that way.

Victimisation

Victimisation is when you are treated unfairly because you have done, or will do (or someone thinks you have done or will do), something that the law protects. This includes making a complaint about discrimination or harassment under the Equality Act or the DDA.

In England, Scotland and Wales, under the Equality Act you only need to show you were treated unfavourably and you must genuinely believe this is true.

In Northern Ireland, under the DDA you also need to prove that you have been treated less favourably than someone who has not made a complaint.

You are not protected by legislation if you don’t act honestly and don’t believe what you are saying is true. But you will be protected if you give information that is wrong but which you genuinely thought was true at the time.
Flexible working and reasonable adjustments

If you are a carer, flexible working could help make it easier for you to keep working while caring for someone. The Children and Families Act 2014 (in England, Scotland and Wales) and The Flexible Working Regulations NI 2015 (in Northern Ireland) mean you can make a request for flexible working – see pages 48–49 for more information.

Your employer does not have to make reasonable adjustments if you are not disabled, including if you are a carer. However, other legislation may give you the right to a reasonable amount of time off work for caring responsibilities (see below). This time is likely to be unpaid, unless your employer’s policies say otherwise.

Time off in an emergency

If you are a carer in paid employment, you have the right to take a reasonable amount of unpaid time off to look after dependants in an emergency. This is covered by the Employment Rights Act 1996, as amended by the Employment Relations Act 1999. It is known as time off for dependants.

In Northern Ireland, these laws are called the Employment Rights (Northern Ireland) Order 1996 and the Employment Relations (Northern Ireland) Order 1999.

A dependant could be:

• a mother, father, son, daughter, spouse or civil partner
• anyone who lives with you, but is not a tenant, lodger, boarder or employee
• someone who would reasonably rely on you to help them if they become ill or need you to make care arrangements for them.
As a family we knew this was what he wanted and we all agreed to rally around to help Joyce cope with his care.
Possible emergencies may include:

- an unexpected disruption or breakdown in care arrangements
- the person you care for becoming ill, giving birth, being injured, being assaulted or having an accident
- needing to make care arrangements when your dependant is ill or injured. This could include arranging for a temporary carer, but it does not allow you to take extra or ongoing time off to care for the dependant yourself
- the death of a dependant
- having to deal with an unexpected incident that involves your child during school hours.

You don’t need to have been in your job for a certain amount of time before you can take time off for dependants. But how much time off you can take depends on the circumstances. For example, your employer may look at what has happened, how close your relationship is to the dependant and whether someone else could help instead.

To use this type of time off, you must tell your employer as soon as possible after the emergency has happened. Time off for dependants is likely to be unpaid, unless your employer’s policies say otherwise.

Time off for dependants doesn’t apply if you want to take planned time off to care for a dependant. For example, if you want to take them to a medical appointment.
Your employer may have a policy for other types of leave for carers, or they might be open to discussing leave arrangements. Some options could be:

- carers’ leave (paid or unpaid)
- compassionate leave
- borrowing holiday days from next year or buying additional days
- career breaks and sabbaticals (usually unpaid).

It is up to your employer to decide whether or not to agree to these other types of leave arrangements.

Wherever you live in the UK, if you experience discrimination at work, you can get advice on your employment rights from the organisations listed on pages 57–59.

We have a booklet called *Working while caring for someone with cancer*, which you may find useful. Order a free copy by calling us on 0808 808 00 00 or visiting be.macmillan.org.uk
As a family we knew this was what he wanted and we all agreed to rally around to help Joyce cope with his care.

Adrienne
WHAT YOU CAN DO

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Are you being discriminated against?

If you feel you are being discriminated against, you should try to work with your supervisor, manager or human resources department to resolve the problem informally.

Talking openly to your manager about your needs and the needs of your employer may help to resolve the situation.

If you feel unable to talk to your manager, you can ask someone in the human resources department or an occupational health adviser for help. If you belong to a trade union, you can get help and support from a union representative.

What you can do for yourself

• Find out about relevant company policies from your employer or human resources department. Look at the employee handbook if you have one.

• Know your legal rights. See pages 8–9 for details of how to check your rights.

• Go to your employer with suggestions and solutions. This will demonstrate your commitment to your job.

• Suggest working from home, flexible hours, changing your role or job description, adjusting targets or objectives, changing to lighter duties, or a combination of these.
• If you go back to work after long-term sick leave, suggest a phased return. This is when you increase your hours gradually over a period of time.

• It may help your employer to have medical advice on the support you need. Your GP can provide this in a ‘fit note’. Or your employer may be able to refer you to an occupational health service.

• Fit for Work, which is a government service in England, Scotland and Wales, may also be able to help with a ‘back to work plan’. See page 58 for contact details. The Fit for Work service is not available in Northern Ireland.

• If adjustments are needed at your workplace, the Access to Work scheme might help. Visit gov.uk/access-to-work Access to Work can provide grants for equipment and can sometimes help with the cost of taxis to work. In Northern Ireland, you can find out more about Access to Work (NI) at your local Jobs and Benefits Office.

Visit macmillan.org.uk/work where you can get more advice. You can also download our guide to reasonable adjustments by going to macmillan.org.uk/documents/cancerinfo/reasonableadjustmentsguide.pdf
Unresolved problems – England, Scotland and Wales

In this booklet, we cannot cover all the possible discrimination problems that may happen. It’s also not possible to explain your specific rights in each situation. It’s possible that other employment rights, which this booklet does not cover, may apply to you.

It’s a good idea to get advice from a union representative if you have one, or the Advisory, Conciliation and Arbitration Service (ACAS) in England, Scotland and Wales (see page 57 for contact details). You can also contact any of the organisations listed on pages 57–59.

If you feel your employer isn’t behaving in a reasonable and fair way, and you can’t resolve matters to your satisfaction, you may want to consider making a formal complaint. This is sometimes called a **formal grievance**.

Your employer should have a policy which will explain how an employee can register a grievance. You can get advice about this from your staff or union representative, if you have one. If you’re not sure what the grievance policy says or you don’t know where to find it, ask your HR department.

**Employment tribunals**

If you feel your employer is being unreasonable and not dealing with your grievance fairly, you can complain to an employment tribunal. This can help resolve employment disputes between employees and employers.
If you’re thinking about making a claim to an employment tribunal, it’s a good idea to contact a union representative if you have one, ACAS, or a solicitor who specialises in employment law (see pages 57–59 for contact details).

There is a clear process, with several stages:

• Before you make a claim to an employment tribunal, make sure you have submitted a formal grievance to your employer. You should use your employer’s internal grievance policy to do this. If you don’t do this first, you might find that if you make a successful claim at a tribunal any compensation you get is reduced. This would be because you did not use the internal grievance procedure provided by your employer.

• Tell ACAS before making a claim. ACAS tries to sort out disputes to avoid needing an employment tribunal. This is called early conciliation.

• You have to contact ACAS even if you don’t end up taking part in early conciliation. You must tell them that you plan to make a claim to an employment tribunal.

• If you don’t resolve your dispute, or you decide not to take part in conciliation, you can take your claim to an employment tribunal. It’s best to take advice about whether to do this or not. You must get a certificate from ACAS before you can make a claim to an employment tribunal.

• If you take a claim to an employment tribunal your case will be heard at a meeting called a tribunal hearing. A panel will listen to your case and make a decision.
Fees and time limits
There are costs involved in making a claim to an employment tribunal. Exactly how much you will have to pay depends on the type of claim and how straightforward it is. But whatever your claim is, you will pay two fees:

• a claim fee when you start the claim
• a hearing fee for the tribunal hearing.

It could cost up to £1,200 to make a claim. But if you’re getting some benefits or your income is low, you might not have to pay all the fees. This is called a fee remission.

There are short, strict time limits for making a claim to an employment tribunal. The tribunal needs to receive most complaints within three months of the issue you are complaining about. However, there are exceptions, so it is important to take legal advice.

Legal aid
If you have a low income, you may be entitled to legal aid to help with the cost of employment cases. Whether you can get legal aid will depend on your situation and what you need help with. For more information about legal aid in England and Wales, visit [gov.uk/legal-aid](http://gov.uk/legal-aid) For Scotland, visit [mygov.scot/legal-aid](http://mygov.scot/legal-aid)
Providing evidence

If you find yourself involved in a formal process, whether it’s an internal grievance or an employment tribunal, you will need to give evidence about what happened.

If you have concerns at any point during your interactions with your employer, make sure you keep a note of meetings, conversations and phone calls, including their dates, times and locations. It’s important that you keep a copy of all the documents you send or receive while the grievance is going on.

You should think carefully before taking any action. Think about what you want to happen, and the possible outcomes.

The organisations listed at the back of this booklet can provide further support and advice if you have an unresolved problem at work. See pages 57–59.
Unresolved problems –
Northern Ireland

In this booklet, we cannot cover all the possible discrimination problems that may happen. It’s also not possible to explain your specific rights in each situation. It’s possible that other employment rights, which this booklet does not cover, may apply to you.

It’s a good idea to get advice from a union representative if you have one and the Labour Relations Agency (LRA) in Northern Ireland. See page 58 for contact details.

If you feel your employer isn’t behaving in a reasonable and fair way, and you can’t resolve matters to your satisfaction, you may want to consider making a formal complaint. This is sometimes called a **formal grievance**.

Your employer should have a policy that explains how an employee can register a grievance through an internal grievance procedure. You can get advice about this from your staff or union representative, if you have one. If you’re not sure what the grievance policy says or you don’t know where to find it, you should ask your HR department.

**Industrial tribunals**

If you feel your employer is being unreasonable and not dealing with your grievance fairly, you can complain to an industrial tribunal. This can help resolve employment disputes between employees and employers.
If you’re thinking about making a claim to an industrial tribunal, it’s a good idea to contact a union representative if you have one, the LRA or a solicitor who specialises in employment law.

Before you make any claim to an industrial tribunal, you should make sure you have submitted a formal grievance to your employer. You should use your employer’s internal grievance policy to do this. If you don’t do this first, you might find that if you make a successful claim at a tribunal any compensation you get is reduced. This would be because you did not use the internal grievance procedure provided by your employer.

**Conciliation**

If you make a claim to a tribunal about your employment rights, a copy will be sent to the Labour Relations Agency. In most cases they have a legal duty to offer conciliation. This is where they try and help you sort out a dispute, to avoid needing an industrial tribunal.

A **Conciliation Officer** will contact everyone involved as quickly as possible. They don’t force you to take any action, but will try to help you settle your differences on your own terms.

Conciliation Officers are impartial. They do not:

- represent either the employer or the employee
- take sides or judge who is right or wrong
- give a strong opinion on how successful a claim might be
- give advice about tactics, or how to win at a tribunal
- pressurise people to settle or abandon a case.
Conciliation is voluntary. You only take part if you want to and you can stop at any time. The Conciliation Officer has no power to make anyone take any action and information will not be passed to anyone else without your agreement. What you say during conciliation cannot be used as evidence against you at a tribunal hearing. Conciliation is separate from the tribunal service. If you cannot sort out the dispute, you can still make a claim to a tribunal. Conciliation does not delay the tribunal process.

If your claim goes to an industrial tribunal your case will be heard at a meeting called a **tribunal hearing**. A tribunal panel will listen to your case and make a decision.

**Time limits**

There are short, strict time limits for making a claim to an industrial tribunal. The tribunal needs to receive most complaints **within three months** of the issue you are complaining about. However, there are exceptions, so it is important to take legal advice.

**Legal aid**

If you have a low income, you may be entitled to legal aid to help with the cost of employment cases. Whether you can get legal aid will depend on your situation and what you need help with. For more information about legal aid visit [nidirect.gov.uk/articles/legal-aid](http://nidirect.gov.uk/articles/legal-aid)
Providing evidence

If you find yourself involved in a formal process, whether it’s an internal grievance or an industrial tribunal, you will need to give evidence about what happened. This includes dates, times and places.

If you have concerns at any point during your interactions with your employer, make sure you keep a note of meetings, conversations and phone calls and their dates and times. It’s important that you keep a copy of all the documents you send or receive while the grievance is going on.

You should think carefully before taking any action. Think about what you want to happen, and the possible outcomes.

The organisations listed in the back of this booklet can provide further support and advice if you have an unresolved problem at work. See pages 57–59.
As a family we knew this was what he wanted and we all agreed to rally around to help Joyce cope with his care.

Adrienne
OTHER LEGISLATION

Confidentiality

Flexible working arrangements
Confidentiality

The Human Rights Act 1998 and the Data Protection Act 1998 protect your right to have personal information kept private. Both acts cover the whole of the UK. Personal information includes your medical information.

• Your employer doesn’t have an automatic right to access your medical information.

• But your employer may ask you for your permission to get a medical report on your health from your doctor or other health professional.

• You have the right to see this report (if you ask to) before it is given to your employer.

• You may want to talk to your employer about whether you want colleagues and clients to be told about your condition. Your employer shouldn’t give out this information without your consent.

• Your employer should take care to protect your personal records, including emails and any meeting notes containing details about your condition. This is sensitive personal data and should be treated as such.
As a family we knew this was what he wanted and we all agreed to rally around to help Joyce cope with his care.

Adrienne
Flexible working arrangements

Flexible working may help you maintain your normal income. If you are a carer it can also make it easier for you to keep working whilst caring for someone.

As a result of the Children and Families Act 2014 (in England, Scotland and Wales) and The Flexible Working Regulations NI 2015 (in Northern Ireland), you can make a request for flexible working as long as you:

• are an employee
• have worked for your employer for at least 26 weeks before your request
• are not a member of the armed forces
• are not an agency worker (unless you are returning from parental leave).

There is a process that you and your employer must follow when you make a flexible working request:

• You need to make your request in writing.
• You can only make one request in a 12 month period.
• Your employer must consider your request in a reasonable way.
• Your employer must complete the whole process within three months (including dealing with any appeal).
Flexible working arrangements could include the following:

- Working from home.
- Flexible start or finish times.
- Compressed working hours – this means working your normal number of hours but over fewer days. For example fitting in a five-day working week by working longer hours over four.
- Annualised working hours – this is where you work the hours you are contracted for per month or year in a flexible way.
- Job-sharing or working part-time.
- Flexible holidays to fit in with alternative care arrangements.

There’s no automatic right to flexible working, it’s just your right to ask for it. Your employer can refuse a request for flexible working for a number of reasons – for example, if they think it’s not in the best interests of the business. Or they may only agree to a temporary change.

If your need for flexible working relates to you having cancer, you may be better off making a request for reasonable adjustments. You can do this either to support a flexible working request, or as a separate request to make reasonable adjustments (see pages 10–11).

You should remind your employer that you have cancer when you make your request for flexible working. This is because the Equality Act says they have to consider reasonable adjustments if you are disabled.

Depending on the outcome of your flexible working request, you may want to appeal against your employer’s decision and take your concern further. See pages 36–43 for more information about unresolved problems.
As a family we knew this was what he wanted and we all agreed to rally around to help Joyce cope with his care.

Adrienne
FURTHER INFORMATION AND SUPPORT

About our information 52
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About our information

We provide expert, up-to-date information about cancer. And all our information is free for everyone.

Order what you need

You may want to order more leaflets or booklets like this one. Visit be.macmillan.org.uk or call us on 0808 808 00 00.

We have booklets on different cancer types, treatments and side effects. We also have information about work, financial issues, diet, life after cancer and information for carers, family and friends.

All of our information is also available online at macmillan.org.uk/cancerinformation There you’ll also find videos featuring real-life stories from people affected by cancer, and information from health and social care professionals.

Other formats

We also provide information in different languages and formats, including:

• audiobooks
• Braille
• British Sign Language
• Easy Read booklets
• ebooks
• large print
• translations.

Find out more at macmillan.org.uk/otherformats

If you’d like us to produce information in a different format for you, email us at cancerinformationteam@macmillan.org.uk or call us on 0808 808 00 00.
Help us improve our information

We know that the people who use our information are the real experts. That’s why we always involve them in our work. If you’ve been affected by cancer, you can help us improve our information.

We give you the chance to comment on a variety of information including booklets, leaflets and fact sheets.

If you’d like to hear more about becoming a reviewer, email reviewing@macmillan.org.uk You can get involved from home whenever you like, and we don’t ask for any special skills – just an interest in our cancer information.
Other ways we can help you

At Macmillan, we know how a cancer diagnosis can affect everything, and we’re here to support you. No one should face cancer alone.

Talk to us

If you or someone you know is affected by cancer, talking about how you feel and sharing your concerns can really help.

Macmillan Support Line

Our free, confidential phone line is open Monday–Friday, 9am–8pm. Our cancer support specialists can:

- help with any medical questions you have about your cancer or treatment
- help you access benefits and give you financial guidance
- be there to listen if you need someone to talk to
- tell you about services that can help you in your area.

Call us on 0808 808 00 00 or email us via our website, macmillan.org.uk/talktous

Information centres

Our information and support centres are based in hospitals, libraries and mobile centres. There, you can speak with someone face to face.

Visit one to get the information you need, or if you’d like a private chat, most centres have a room where you can speak with someone alone and in confidence.

Find your nearest centre at macmillan.org.uk/informationcentres or call us on 0808 808 00 00.
Talk to others

No one knows more about the impact cancer can have on your life than those who have been through it themselves. That’s why we help to bring people together in their communities and online.

Support groups
Whether you are someone living with cancer or a carer, we can help you find support in your local area, so you can speak face to face with people who understand. Find out about support groups in your area by calling us or by visiting macmillan.org.uk/selfhelpandsupport

Online community
Thousands of people use our online community to make friends, blog about their experiences and join groups to meet other people going through the same things. You can access it any time of day or night. Share your experiences, ask questions, or just read through people’s posts at macmillan.org.uk/community

The Macmillan healthcare team

Our nurses, doctors and other health and social care professionals give expert care and support to individuals and their families. Call us or ask your GP, consultant, district nurse or hospital ward sister if there are any Macmillan professionals near you.

‘Everyone is so supportive on the online community, they know exactly what you’re going through. It can be fun too. It’s not all just chats about cancer.’

Mal
Help with money worries

Having cancer can bring extra costs such as hospital parking, travel fares and higher heating bills. If you’ve been affected in this way, we can help.

Financial guidance
Our financial team can give you guidance on mortgages, pensions, insurance, borrowing and savings.

Help accessing benefits
Our benefits advisers can offer advice and information on benefits, tax credits, grants and loans. They can help you work out what financial help you could be entitled to. They can also help you complete your forms and apply for benefits.

Macmillan Grants
Macmillan offers one-off payments to people with cancer. A grant can be for anything from heating bills or extra clothing to a much-needed break.

Call us on 0808 808 00 00 to speak to a financial guide or benefits adviser, or to find out more about Macmillan Grants. We can also tell you about benefits advisers in your area. Visit macmillan.org.uk/financialsupport to find out more about how we can help you with your finances.

Help with work and cancer

Whether you’re an employee, a carer, an employer or are self-employed, we can provide support and information to help you manage cancer at work. Visit macmillan.org.uk/work

Macmillan’s My Organiser app
This free mobile app can help you manage your treatment, from appointment times and contact details, to reminders for when to take your medication. Search ‘My Organiser’ on the Apple App Store or Google Play on your phone.
Other useful organisations

There are lots of other organisations that can give you information or support.

Access to Work
An Access to Work grant can pay for practical support if you have a disability, health condition or mental health condition. It can help you start working, stay in work or move into self employment or start a business. This applies in England, Scotland and Wales.

www.gov.uk/access-to-work
For information about Access to Work in Northern Ireland visit
www.nidirect.gov.uk/articles/access-work-practical-help-work

This applies across England, Scotland and Wales.
For Northern Ireland, see the Labour Relations Agency on page 58.

Citizens Advice
Citizens Advice is a charity that helps people resolve their money, legal and other problems by providing information and advice.
Find details for your local office in the phone book or on one of the following websites:

England and Wales
www.citizensadvice.org.uk

Scotland
www.cas.org.uk

Northern Ireland
www.citizensadvice.co.uk

You can also find advice online in a range of languages at adviceguide.org.uk

Advisory, Conciliation and Arbitration Service (ACAS)
Euston Tower, 286 Euston Road, London NW1 3JJ
Tel 0300 123 1100
www.acas.org.uk
Provides up-to-date information, independent advice, high-quality training, and works with employers and employees.
Equality Advisory Support Service
Tel 0808 800 0082
Textphone 0808 800 0084
www.equalityadvisoryservice.com
Provides information, advice and support on discrimination and human rights issues to individuals in England, Scotland and Wales.

Equality Commission Northern Ireland
Equality House,
7–9 Shaftesbury Square,
Belfast BT2 7DP
Tel 028 90 500 600
www.equalityni.org
The Equality Commission can provide free, confidential advice if you feel you have been discriminated against. It also provides free advice, training and information to employers and service providers.

Fit for Work Advice line
0800 032 6235 (English)
0800 032 6233 (Welsh)
www.fitforwork.org
www.fitforworkscotland.scot
Tel 0800 019 2211
A Government-funded initiative designed to support people in work with health conditions and help with sickness absence.

Labour Relations Agency
2–16 Gordon Street,
Belfast BT1 2LG
Tel 028 9032 1442
www.lra.org.uk
Provides an impartial and confidential employment relations service to people working in industry, commerce and the public services in Northern Ireland.

The Law Society
113 Chancery Lane,
London WC2A 1PL
Tel 020 7242 1222
www.lawsociety.org.uk
Does not provide legal advice to the general public, but has a ‘Find a Solicitor’ service for England and Wales.
Further information and support

The Law Society of Northern Ireland
96 Victoria Street,
Belfast BT1 3GN
Tel 028 9023 1614
www.lawsoc-ni.org
Can provide details of solicitors in Northern Ireland.

The Law Society of Scotland
26 Drumsheugh Gardens,
Edinburgh EH3 7YR
Tel 0131 226 7411
www.lawscot.org.uk
Can provide details of solicitors in Scotland.

The Trade Union Congress (TUC)
www.tuc.org.uk
Organisation that campaigns for trade union values.Provides information about trade unions and how to join one.

WorkSmart
www.worksmart.org.uk
The employment advice website of the TUC (Trade Union Congress).

You can search for more organisations on our website at macmillan.org.uk/organisations or call us on 0808 808 00 00.
Disclaimer

We make every effort to ensure that the information we provide is accurate and up to date but it should not be relied upon as a substitute for specialist professional advice tailored to your situation. So far as is permitted by law, Macmillan does not accept liability in relation to the use of any information contained in this publication, or third-party information or websites included or referred to in it. Some photos are of models.

Thanks

This booklet has been written, revised and edited by Macmillan Cancer Support’s Working Through Cancer team and Cancer Information Development team.

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Sources

We’ve listed a sample of the sources used in the publication below. If you’d like further information about the sources we use, please contact us at bookletfeedback@macmillan.org.uk

Gov.uk website. www.gov.uk (accessed July 2016)
Can you do something to help?

We hope this booklet has been useful to you. It’s just one of our many publications that are available free to anyone affected by cancer. They’re produced by our cancer information specialists who, along with our nurses, benefits advisers, campaigners and volunteers, are part of the Macmillan team. When people are facing the toughest fight of their lives, we’re there to support them every step of the way.

We want to make sure no one has to go through cancer alone, so we need more people to help us. When the time is right for you, here are some ways in which you can become a part of our team.

**5 WAYS YOU CAN HELP SOMEONE WITH CANCER**

**Share your cancer experience**
Support people living with cancer by telling your story, online, in the media or face to face.

**Campaign for change**
We need your help to make sure everyone gets the right support. Take an action, big or small, for better cancer care.

**Help someone in your community**
A lift to an appointment. Help with the shopping. Or just a cup of tea and a chat. Could you lend a hand?

**Raise money**
Whatever you like doing you can raise money to help. Take part in one of our events or create your own.

**Give money**
Big or small, every penny helps. To make a one-off donation see over.

Call us to find out more
0300 1000 200
macmillan.org.uk/getinvolved
Please fill in your personal details

Mr/Mrs/Miss/Other
Name
Surname
Address

Postcode
Phone
Email

Please accept my gift of £
(Please delete as appropriate)
I enclose a cheque / postal order / Charity Voucher made payable to Macmillan Cancer Support

OR debit my:
Visa / MasterCard / CAF Charity Card / Switch / Maestro

Card number

Valid from       Expiry date

Issue no        Security number

Signature

Date / /

Don’t let the taxman keep your money

Do you pay tax? If so, your gift will be worth 25% more to us – at no extra cost to you. All you have to do is tick the box below, and the tax office will give 25p for every pound you give.

☐ I am a UK tax payer and I would like Macmillan Cancer Support to treat all donations I make or have made to Macmillan Cancer Support in the last 4 years as Gift Aid donations, until I notify you otherwise.

I understand that if I pay less Income Tax and/or Capital Gains Tax than the amount of Gift Aid claimed on all my donations in that tax year it is my responsibility to pay any difference. I understand Macmillan Cancer Support will reclaim 25p of tax on every £1 that I give.

Macmillan Cancer Support and our trading companies would like to hold your details in order to contact you about our fundraising, campaigning and services for people affected by cancer. If you would prefer us not to use your details in this way please tick this box. ☐

In order to carry out our work we may need to pass your details to agents or partners who act on our behalf.

give with confidence

Please cut out this form and return it in an envelope (no stamp required) to:
Supporter Donations, Macmillan Cancer Support, FREEPOST LON15851, 89 Albert Embankment, London SE1 7UQ

If you’d rather donate online go to macmillan.org.uk/donate

#27530
This booklet is for people affected by cancer, including carers, who would like to know more about their rights at work.

The law protects you from being treated unfairly at work because of cancer. This booklet explains what it means to be discriminated against because you have cancer, and how the law protects you.

If you have more questions or would like to talk to someone, call the Macmillan Support Line free on 0808 808 00 00, Monday to Friday, 9am to 8pm, or visit macmillan.org.uk

Would you prefer to speak to us in another language? Interpreters are available. Please tell us in English the language you would like to use. Are you deaf or hard of hearing? Call us using NGT (Text Relay) on 18001 0808 808 00 00, or use the NGT Lite app.

Need information in different languages or formats? We produce information in audio, eBooks, easy read, Braille, large print and translations. To order these visit macmillan.org.uk/otherformats or call our support line.