

MANAGING CANCER IN THE WORKPLACE



Together with Macmillan

The Macmillan work and cancer series

Macmillan produces a range of information about work and cancer:

For people living with cancer

- Questions to ask about work and cancer
- Work and cancer

For people looking after someone with cancer

- Questions for carers to ask about work and cancer
- Working while caring for someone with cancer

For employers

- 10 top tips for line managers
- Managing cancer in the workplace
- Cancer in the workplace videos

All of the above titles are included in **The essential work and cancer toolkit**, a pack to help employers support their employees.

Further information

The following titles are also available:

- Your rights at work when you are affected by cancer
- Self-employment and cancer

To order any of this information, visit **be.macmillan.org.uk/work** Alternatively, visit **macmillan.org.uk/work**

About this booklet

This booklet is for you if you are a manager, an HR professional or an employer. It is about how you can support people affected by cancer in your workplace.

It aims to help you by:

- suggesting practical actions you can take, including examples of best practice
- explaining your responsibilities as an employer and your employees' rights
- helping you understand what your employee is experiencing, whether they have cancer or are looking after someone who does
- giving tips on how to reduce the impact on your organisation.

This booklet also includes information about the extra support Macmillan could offer your organisation. This could mean more training, resources and consultancy. This programme is called **Macmillan at Work** – see page 105 for more information.

For more information

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**

If you would prefer to speak to us in another language, interpreters are available. Please tell us, in English, the language you want to use. If you are deaf or hard of hearing, call us using NGT (Text Relay) on **18001 0808 808 00 00**, or use the NGT Lite app.

We have some information in different languages and formats, including audio, eBooks, easy read, Braille, large print and translations. To order these visit **macmillan.org.uk/otherformats** or call **0808 808 00 00**.

How to use this booklet

The booklet is split into sections to help you find what you need. You don't have to read it from start to finish. You can use the contents list on the opposite page to help you.

We have included quotes from employers and employees who have been affected by cancer in the workplace, which you may find helpful. Some quotes are from Judy, who is on the cover of this booklet. She supported her employee Julia at work. They have both chosen to share their stories with us. To share your story, visit **macmillan.org.uk/shareyourstory**

On pages 110–113 there are some contact details of other useful organisations.



In this booklet we have used this icon to show examples of discrimination in the workplace.

Contents

Introduction for employers	5
How cancer affects people	19
Talking about cancer	35
Supporting your employee at work	47
Helping your employee back to work	63
Bereavement	71
Financial support for your employee	77
Legal rights	83
Further information and support	103

'I hadn't been in that situation before, where I needed to manage someone who would be facing cancer. I didn't know what to expect.'

Judy

INTRODUCTION FOR EMPLOYERS

Key facts	6
The importance of work	8
Benefits of being supportive	10
Simple first steps you can take	12
The importance of line managers	14

Key facts

Cancer affects many people who work, as the diagram below shows. By 'working age' we generally mean people aged from 16 to 64. But because of the data available, some of the figures below are for people aged 15 to 64.

More than 112,000 people

of working age are diagnosed with cancer in the UK **each year**.





There are currently more than **750,000 people**

of working age living with a cancer diagnosis. Many will continue to work after, or even through, their treatment.

Macmillan estimates that in the UK



It is not only employees living with cancer who are affected. Employees who are carers may also need to change how or when they work. A **carer** is someone who provides unpaid support to someone who could not manage without this help. Macmillan estimates there are 700,000 employees caring for someone with cancer in the UK.

But employers can make a huge difference to the working lives of people affected by cancer. This can often be done by making reasonable adjustments to the workplace or working patterns (see pages 53–55). More than two thirds of organisations that make these adjustments consider them to be easy.

The importance of work

Work is important for many people living with cancer, for lots of reasons. A job can restore normality, routine, stability, social contact and income. Remaining in, or returning to, work can also help with recovery and lead to better health. Being able to work is also important to carers for similar reasons.

At Macmillan, we know that managers and employers play an important role in supporting people with cancer and their carers. But you may not always feel confident about how best to support them. There can be challenges at the time of diagnosis, during treatment, when returning to work and afterwards.

We also recognise you need to meet the needs of other people in the workplace and your organisation as a whole. In these difficult situations, you may be affected in both a practical and personal way. The information in this booklet can help.

> 'I wanted to go back to work as it is something I love. It helped me feel that life was carrying on as normal.'

Julia



Benefits of being supportive

Being supportive of your employee affected by cancer will make a huge difference to them as they go through this difficult time. You can help reduce their anxiety and give them the confidence to cope with cancer at work.

There are other clear benefits of supporting people affected by cancer at work:

- **Maintaining efficiency** You can keep their valuable skills, knowledge and experience, and maintain productivity.
- Saving time and money You avoid the cost and time of replacing and training employees. The Chartered Institute of Personnel and Development (CIPD) estimates the median cost of recruitment is £7,250 for senior managers and directors, and £2,000 for other employees.
- **Being inclusive** Supporting someone with cancer helps you understand the needs of employees affected by cancer, including those who are carers.
- Better engagement You will promote a greater sense of loyalty from your employee and their colleagues. This will naturally have a positive impact on employee engagement.
- Reducing pressure You can reduce pressure on the rest of the team who might otherwise have to take on more work or train new employees.
- Positive image A company or organisation that supports employees affected by cancer may be more attractive to job applicants and customers.

• Fulfilling your legal obligations – People affected by cancer have legal rights at work under the Equality Act 2010 in England, Scotland and Wales, or the Disability Discrimination Act 1995 in Northern Ireland. Meeting your obligations under these laws will help avoid potential discrimination compensation. It will also help avoid the cost of management time, legal fees and potential damage to reputation.

We have more information about employee legal rights on pages 83–101.

'I cared for her as a colleague and knew that supporting her through her experience would have a really positive impact on her and her pupils.'

Judy

Simple first steps you can take

Making reasonable adjustments is a legal obligation and can make a big difference to your staff and your organisation. Reasonable adjustments could include:

- allowing time off for medical appointments
- offering flexible working hours
- organising a phased return to work.

There is more information about adjustments on pages 53-55.

These changes are normally easy to make. Many adjustments are free and where there is some cost, it's usually small. Grants from Access to Work schemes can cover some or all of the cost (see page 61).

These changes don't have to be disruptive. Sometimes small changes can make a big difference for your employee. Over the next two pages we describe some other first steps you could take.

Check your policies are up-to-date

If you have policies for sickness, long-term conditions or health and wellbeing, you may want to check they are up-to-date. You may also want to introduce a cancer-specific policy. Or your organisation may have broader polices that can be applied to people with cancer and their carers. We have a cancer policy template which you might like to use. You can download this from **macmillan.org.uk/employer**

Provide training for managers

You may want to think about using some of the information in this booklet when training managers. This could be helpful for managing people with other long-term conditions, as well as cancer.

Macmillan offers training for managers, through our Macmillan at Work programme. We also provide online learning. See page 105 for information on how to access this training.

Educate employees

We produce **The essential work and cancer toolkit** to help employers support people affected by cancer. It's designed to be shared with employees at your organisation who are affected by cancer, but other employees could also use it to learn more about cancer. If you do not already have the toolkit, you can order one by signing up at **macmillan.org.uk/atwork**

Raise awareness of cancer

Whether you have an employee with cancer or not, you may want to raise awareness of the condition in your organisation. You could highlight the support you can offer if an employee is affected by cancer in the future.

This could mean encouraging staff to take part in fundraising. Or you could put up a poster promoting cancer awareness months – visit **be.macmillan.org.uk/cancerawarenessmonths**

The importance of line managers

You may be managing a person with cancer, or someone caring for someone with cancer. Line managers are an important source of support for people affected by cancer for lots of reasons:

- They are often the first person the employee contacts when they are unwell and can't go to work.
- They are responsible for the day-to-day management of the employee on their return.
- They play a key role in any necessary work adjustments.
- They may be the first person the employee contacts when they need to meet human resources (HR) or occupational health.
- They manage the employee's workload and so can change the level of pressure or demand. This will be important if the employee is returning to work after some time away.
- By being supportive, especially after a period of sickness absence, they can prevent additional stress for the employee which could otherwise lead to more time off.

Line managers should be able to contact colleagues in HR and occupational health – who should be ready to give the information and support that managers need. This could be guidance about the employee's health condition, advice on the reasonable adjustments needed (see pages 53–55) or information about the return-to-work plan (see pages 64–65). Managers often value being able to discuss their worries with occupational health or HR.

You might find the tips on the following pages helpful.

Communication is key

Listen to your employee and try to understand their situation. It is fine to ask questions when they are sharing information with you. It is important to keep in contact with them if they are on sick leave. Take time to agree on how and when you will keep in touch. Remember to review these plans, as their situation and how they want to be contacted may change.

2 Be sensitive to your employee's needs

Every person has a different cancer experience. Cancer treatments, and the physical and emotional effects of cancer, will be different for each person. What is best for one employee may not suit another. Make time to understand your employee's individual needs.

3 Respect your employee's right to privacy

Your employee may not want other people in the organisation to know that they have cancer or are caring for someone with cancer. If they do want colleagues to know, ask them how and when they would prefer people to be told.

4 Be prepared to make adjustments

Cancer is legally defined as a disability. In line with equality laws, you may need to make changes to the workplace or working arrangements that allow your employee to work. These changes are called reasonable adjustments. If you have an HR department or occupational health service, they will be able to give you advice.

S Check guidelines and policies

Check whether your organisation has any guidelines and policies to support your employee and help you manage the situation. These may include guidance about sickness absence, long-term conditions, time off work and occupational health. We have templates you can use to create guidelines. Visit **macmillan.org.uk/employer** to find out more.

6 Find out about financial support

Find out whether your organisation has policies for giving financial support to those off work, including sick pay. You may also want to check whether there are any other benefits that could help your employee. You could suggest they call our financial guides and benefits advisers on **0808 808 00 00**, or visit **macmillan.org.uk/moneyworries**

7 Respect carers' rights at work

If an employee is caring for a loved one who has cancer, they may need your support. Carers have certain rights at work, including taking unpaid time off to care for a loved one in an emergency. Flexible working could make it easier for carers to keep working. Any employee has the right to request flexible working.

8 Discuss a return-to-work plan

If your employee is off work, keep in touch. When they are ready, talk with them about a return-to-work plan. This will help find out what further support they might need before, during and after treatment. This may mean a phased return to work or gradually handing over work. You could also consider reasonable adjustments to support their wellbeing.

9 Recognise the impact on your team

Be aware of the impact that cancer can have on your colleagues and on you. If you feel you need more support, ask your own line manager or your HR department, or call our support line on **0808 808 00 00**.

O Macmillan is here to help

Don't forget that we are here to help everyone affected by cancer, including family, friends, carers and employers. If you or your employees have questions about cancer, call our support line free on **0808 808 00 00**. Or visit **macmillan.org.uk/work** for expert training, resources and advice.



HOW CANCER AFFECTS PEOPLE

Understanding cancer	20
Treatment and side effects	22
Emotional effects of cancer	28
After treatment	30
If your employee is a carer	32

Understanding cancer

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. This knowledge will also help you to plan for and recognise any issues that may develop at work.

Cancer is not a single disease with only one type of treatment. There are more than 200 types of cancer, each with its own name and treatment. There are around 2.5 million people in the UK living with cancer, and that number is increasing. On average, people are living with cancer for longer than in the past.

We have an animation on our website which explains what cancer is. You can watch it at **macmillan.org.uk/cancer** We also have more information about different types of cancer and cancer treatments. You can find this information on our website or by calling our support line on **0808 808 00 00**.

How cancer may affect someone at work

The effect of cancer and its treatment on a person and their work can vary widely. For example, it can depend on:

- the type of cancer
- its stage (the size of the tumour and whether it has spread)
- any symptoms the cancer might be causing
- the type of treatment and its side effects
- how the person copes when faced with a traumatic situation.

Some people find working helps them feel normal and in control. Carrying on with or returning to work can help people cope while they are waiting for a diagnosis, having treatment, or caring for someone with cancer.

Other people need to work because they can't afford to be away for long. Some people give up their jobs because their cancer is advanced or the symptoms make it impossible to work. The side effects of treatment can affect some people's ability to work. Others may not be able to work because they have low self-esteem or confidence issues.

If your employee is caring for someone with cancer, they may need to reduce their hours or give up work. Before an employee decides to leave their job, it is important that you have a discussion with them about options or arrangements that could help them stay in work.

Treatment and side effects

Knowing more about cancer treatment can help you understand how it may affect your employee's work life. The main treatments are surgery, radiotherapy, chemotherapy, hormonal therapy and targeted therapies. They may have a combination of treatments.

Many people have side effects from cancer treatment. You may be able to make it easier for the person to cope with side effects at work by making reasonable adjustments. For example, this may be by allowing frequent breaks, giving access to a fridge to store medicines or allowing them to wear a different work uniform.

Treatment side effects may change over time. For example, your employee may become more tired. Encourage them to let you know how things are, so you can review their working arrangements.

Surgery

The effects depend on the type of operation. If the person has day surgery, they may only need a short time off work. But if they need radiotherapy or chemotherapy afterwards, this can have more of an effect on their ability to work.

A bigger operation means having more time off work to adjust and recover. After certain operations, some people may need therapies, for example physiotherapy or speech therapy.

If the surgery affects how a part of the body works, it may prevent the person from doing certain parts of their job.

Radiotherapy

Radiotherapy uses high-energy x-rays to destroy cancer cells. People usually have it from Monday to Friday, as an outpatient in hospital. It can take up to several weeks, depending on their course of treatment.

Radiotherapy only takes a few minutes. But travelling to and from the hospital, and waiting, can take up a large part of the day.

Some people feel able to work during radiotherapy but may need to reduce their hours. The radiographers (who give the radiotherapy) may be able to time the treatment for before or after the person finishes work. Other people stop working completely during radiotherapy and for a few weeks afterwards.

Side effects

Radiotherapy can make you very tired. This can continue for weeks or months after treatment is over. Other side effects depend on the part of your body that is being treated. Side effects usually last for a few weeks after treatment and then gradually improve.

Chemotherapy

Chemotherapy uses anti-cancer (cytotoxic) drugs to destroy cancer cells. Most people have chemotherapy as an outpatient in hospital. It's given by injection into a vein (intravenously) or as tablets. Some people need to go stay in hospital for a few days.

There is usually a break of a few weeks between treatments, to allow the body to recover. Some people can't work because they're too unwell. Others may take a few days off after each treatment and work reduced hours.

Side effects

These can include:

- risk of infection or risk of bleeding (because of the effects on blood cells)
- tiredness
- hair loss
- feeling sick
- diarrhoea.

If your employee feels able to work, there are precautions they may need to take to reduce their risk of infection. This could include working from home, or working different hours so that they travel to and from work at quieter times. These adjustments could help them to mix with fewer people who may have an infection.

Hormonal therapies

Hormonal therapies reduce the level of certain hormones or block their effects on the cancer cells. People usually have these drugs as tablets, for months or years. Some are given as injections every few weeks or months.

Side effects

Hormonal therapies usually have a lesser effect on a person's ability to work. But they can cause tiredness, weight gain, hot flushes, sweats and muscle pain.

Targeted therapies

These drugs interfere with the way cancer cells grow. People can have them as a drip (intravenous infusion) or as tablets.

Side effects

These are often easier to manage than other treatment side effects. Possible side effects include flu-like symptoms, chills, headaches, a raised temperature, risk of infection and tiredness.

People may be able to carry on working if they are having a targeted therapy on its own. But tiredness and other side effects may sometimes make it difficult.

We have information about different cancer treatments and their side effects. Call our cancer support specialist on **0800 800 00 00** or visit our website at **macmillan.org.uk**

Coping with fatigue

Fatigue (extreme tiredness) is a common side effect of cancer treatment. It can also be a symptom of some cancers. It can be worse at different stages of treatment, or at different times of the day. Cancer-related fatigue is not like normal tiredness. It can't be helped by sleep and it can make simple tasks feel exhausting.

Fatigue can affect people in different ways and it may continue long after treatment is over.

It may 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
- is sometimes dizzy or light-headed.

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

If your employee is caring for someone, that person's fatigue can have an impact on them too. They may need more time off to look after the person with cancer. You can help your employee cope with fatigue by making some adjustments at work. You could allow flexible working, working from home, reduced hours, or give them lighter tasks. Simple things like rest breaks or a short walk outside can also really help. We have more information about these kinds of adjustments on pages 53–55.

To find out more information about how fatigue can affect someone, you could read our booklet **Coping with fatigue**. Your employee might like to read it too. You can order this from **be.macmillan.org.uk** There's also more information and a video about fatigue on our website at **macmillan.org.uk/fatigue**

Body changes

Cancer and its treatment can cause changes in how a person looks. These may be temporary or permanent. You and your colleagues may need to be prepared for this. Body changes will depend on the person's situation, but can include:

- hair loss
- changes in complexion or skin tone
- scarring
- weight loss or gain.

Changes like these could affect the person's body image. This is how they think and feel about their body. Our booklet **Body image and cancer** may be helpful. We also have information about many other side effects. Call our cancer support specialists on **0808 808 00 00**.

Emotional effects of cancer

Being diagnosed with cancer and then having treatment can understandably have a huge impact on someone. It can also affect their family, friends and colleagues.

Going for tests and waiting for the results can be an anxious time. Many employees may wish to keep their situation confidential at this point. If they tell you what is happening, you can ask them if they need time off for medical appointments. Pages 35–45 have more information and advice on talking about cancer.

When someone is diagnosed with cancer, the shock can make them feel numb at first. Some people can take a while to accept that they have cancer and they may try to carry on as if nothing is wrong. They may feeling a mixture of emotions, including:

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

Your employee may need some time off if they, or a family member or friend, are diagnosed with cancer. They may want to be with people close to them and try to recover from the shock before coming back to work.

Learning that cancer has come back can also be devastating news. This can be particularly difficult if the person needs more treatment, or if there are fewer treatment options than before. Uncertainty can be one of the hardest things to deal with when faced with a cancer diagnosis and can cause a mixture of emotions. Some people manage this by taking one day at a time and not looking too far into the future. Others want to find out as much as possible to help them get back some sense of control.

If your employee becomes upset

Cancer can cause many different emotions. Sometimes people find their moods can change suddenly and at unexpected moments.

If this happens to your employee at work, it might help to offer them a private space for a while. You could suggest they go home for the rest of the day. Ask if they would like you to contact a family member or friend to travel home with them.

Your own emotions

You and your colleagues may also have strong feelings and this is only natural. You can ask for support to help you cope with your own emotions. It may help to talk to another manager in your workplace. Remember to think about confidentiality (see page 101) and how much the person may want others to know.

You can also call our cancer support specialists on the Macmillan Support Line on **0808 808 00 00**. We are here to help anyone who is affected by cancer, including you.

We have a booklet called **The emotional effects of cancer**, which explains more about the different feelings people may have following a cancer diagnosis and what can help. It may help you give support to your employee, and they may also want to read it.

After treatment

Many people recover well and can go back to their normal working life after treatment has finished. But having cancer and recovering from it can have a big psychological impact. Some people find it difficult getting back to normal.

People may struggle with fatigue, their emotions and any changes to their body caused by the treatment.

Some treatments leave people with long-term side effects, such as:

- tiredness for many months or sometimes years
- pain or lack of movement in an arm after breast surgery
- only being able to eat little and often after stomach surgery
- needing to use the toilet more often after bladder or bowel cancer treatment.

'What struck me – and I hadn't been prepared for – was just how much energy it drained from me. It was three months before I felt able to get back to work.'

Tim

People often want to get back to work but have difficulty returning to their old job. They need your understanding and support to do this successfully. It is also important to review the support you give them over time, as long-term side effects can fluctuate.

Some people recover well after treatment and they are never affected again by the cancer. But some people may be living with the knowledge that their cancer can't be cured, even though they may feel well at the moment. Their cancer may return at some point and they may need further treatment. Some of these people may then have further periods without cancer. For others, the cancer may be more advanced.

Some people live with cancer for many years without ever having serious symptoms. But some people may die from their illness within a matter of weeks or months. It can be a shock for people when a colleague dies – especially if it's soon after a diagnosis. We have more information about coping with bereavement on pages 71–75.

If your employee is a carer

Your employee may be looking after someone who has cancer. Becoming a carer is often unexpected and can be very emotionally and physically demanding. It can sometimes be very hard to juggle caring and working at the same time. But working carers have legal rights (see pages 94–101), which aim to help them stay in work. These include the right to time off during an emergency and to request flexible working.

Caring responsibilities may cause absences. An employee might take sick or annual leave when a crisis happens, rather than asking for time off to care for someone with cancer. Often this is because people wrongly believe their caring role isn't a valid reason to request leave. Or the carer may not feel comfortable telling you they are looking after someone.

Cancer can be unpredictable. Someone with cancer may need long cycles of treatment, with lots of hospital outpatient appointments. So carers may need time off work at short notice. Side effects and symptoms can also continue after treatment is over (see pages 30–31), so you may need to be flexible for a while.

As soon as you're aware that an employee is caring for someone, talk to them about your organisation's policies, their rights as a carer and their options for leave. Letting them know what you need from them will also help you support them.

The carer's own health and wellbeing

Being a carer can have an impact both physically and emotionally, which can affect the carer's ability to work. They may find it difficult to concentrate or feel tired from lack of sleep. Being a carer can also make existing health problems worse, such as high blood pressure or back problems. So they may need time off to look after their own health.

They may even feel guilty or lose confidence if they're unable to complete their usual work.

Being a carer may also affect their own career development. They may not feel confident about looking for promotion or applying for a new job. Being a carer shouldn't have a negative effect on an employee's future job prospects. It will help if you can reassure them about this.

We have more information for people who are caring for someone with cancer, including the following booklets:

- Working while caring for someone with cancer
- Questions for carers to ask about work and cancer
- Looking after someone with cancer.

You can order these from **be.macmillan.org.uk** or by calling our support line on **0808 808 00 00**.

We also have a video called **Supporting carers**, which has experiences from carers and expert advice on supporting an employee who is a carer. You can watch this on our website at **macmillan.org.uk/workvideos** or on our **Cancer in the workplace DVD**.

'Listen to what they want and talk with them about how they are and their cancer. By listening to them, you can come up with a strategy that works for the individual and the organisation.'

Judy

TALKING ABOUT CANCER

Keep communication open	36
First conversations	37
Be sensitive	38
How to tell colleagues	42
Keep in touch	44

Keep communication open

Some people can find it difficult to talk to someone who has been diagnosed with cancer. You often want to help but may not be sure what to say.

You may find you have to talk about difficult things with your employee, but it's important to keep communication open. Not talking will make things harder to deal with.

The person who has cancer may struggle to talk too. Everyone reacts differently when faced with a serious life event. Some people find it easy to talk about their thoughts and feelings, while others are more private.

Cultural differences matter too. Some languages don't even have a word for cancer. In some communities, it is taboo (something people don't think they should mention).

Be aware that some people may be embarrassed to discuss the physical details of their cancer. They may prefer to speak to someone who is the same gender.

Some people who are looking after someone with cancer may not think of themselves as a carer. They may also not feel comfortable talking about their personal life in the workplace.

Talking about cancer is difficult at first, but it can be helpful for everyone. There are things you can do to make your conversations easier.

First conversations

As soon as you find out that an employee has cancer, or is caring for someone with cancer, encourage them to meet their line manager, HR manager or occupational health provider. Sometimes it can be helpful to involve more than one of these in the conversation. If your organisation has access to a welfare rights officer, it may also be helpful to involve them early on.

Some people may prefer to meet with someone other than their line manager. This may be because they find this person more neutral or easier to relate to. Or it may be because they are the same gender or age group.

Your employee may wish to have a third party present at this meeting, or any future ones. This may be a colleague, family member, friend or trade union representative. You may want to take notes – this should be handled sensitively so that the meeting is kept confidential.

Some employees prefer to look for help themselves and read existing policies, without telling anyone about the cancer. Others find an informal conversation better.

If they can, let your employee take the lead by telling you what has happened.

Be sensitive

Communication is a very individual matter and you will need to think about what you might say to your employee. Remember, everyone is different and what is appropriate for one person won't be helpful for someone else. Think about the individual person and their situation.

Getting started

- 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 use eye contact and encourage conversation by nodding or with verbal cues like, 'I see' or 'what happened next?'.
- Show it's okay to be upset by allowing your employee time to express their emotions, and recover if necessary, while remaining calm yourself.
- Show empathy with phrases like, 'you sound very upset'.
- Respond to humour but don't initiate it humour can be a helpful coping strategy for people going through a difficult time.
- End the meeting if your employee becomes too distressed to continue, and say you can talk again when they are ready.

Try not to:

- be afraid of silence it's okay if it goes quiet for a bit
- be too quick to offer advice
- 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.

Keep the conversation going

- You could ask about how they are feeling both emotionally and physically. Acknowledge how difficult their situation must be.
- Check you understand what the person is saying if you're unsure what they mean or how they feel, just ask.
- Don't judge or offer advice that's not been asked for if you must offer advice, pause to consider how helpful it will be.
- Ask whether they wish colleagues to know and what information should be shared. Respect the person's feelings and wishes.
- Ask 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.

Give them information

- Let them know the options for time off.
- Show them organisational policies on reasonable adjustments and returning to work after sick leave. If the person is a carer, they may benefit from seeing the flexible working policy.
 For people with cancer, flexible working should be arranged as a reasonable adjustment (see pages 53–55).
- Let them know about their rights to be protected against discrimination, either because they have cancer or because they are caring for someone with cancer (see pages 83–101).
- Give them details of any services your organisation provides to help them, for example an employee assistance programme (EAP) that offers counselling.

Make sure you end the meeting by assuring your employee that their work is valued and your door is always open if they need your help. Agree how you will keep communication open and set a date for the next meeting.

Line managers are often in the best position to speak with an employee affected by cancer. See pages 14–17 for more information about the importance of managers. Make sure you look after yourself, as well as the person with cancer. Get support for yourself if you need to.



How to tell colleagues

It's important to talk with your employee early on about what they want their colleagues to know. You need to discuss what will and won't be mentioned, who will be told and who will do the telling.

Your employee 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 and any changes in work arrangements if they know what's happening.

If your employee agrees that others should know, ask them:

- if they want to give the news themselves
- who else should do it and whether they want to be present
- how the news should be communicated, for example one-to-one, in a meeting or by email
- how much information should be shared and what should stay confidential.

When you are talking to colleagues, concentrate on the impact your employee's illness may have on people and projects at work.

Try to:

- avoid personal details
- use positive language, but be honest about what to expect
- avoid dramatising
- discuss with your team about how best to talk to their colleague.

You can suggest staff to speak to you or another manager if they are having practical issues with the situation, or if they are feeling distressed. You could also let them know about the Macmillan Support Line, which can provide more support. Our number is **0808 808 00 00** and it is free to call. If your organisation has an employee assistance programme, that could also be a source of support.

You might find our booklet **Talking with someone who has** cancer helpful. You can order it from **be.macmillan.org.uk**

We also have a video called **Talking about cancer at work.** This looks at the importance of good communication when managing someone affected by cancer. You can watch this on our **Cancer in the workplace DVD** or online at **macmillan.org.uk/workvideos**

Keep in touch

People living with cancer often feel out of touch with work during their absence. It's important to keep appropriate contact with your employee during periods of sick leave. This contact could be through their manager or a nominated 'buddy'. Handle communication carefully. Your employee should still feel valued, but not feel pressured to come back too soon.

Check preferences

If possible, discuss arrangements for keeping in touch with your employee before their absence. Ask them if:

- they want to receive newsletters and key emails
- they want to hear from colleagues and how they can get in contact and how often
- there is a good time to get in contact.

You should keep reviewing how you keep in touch with your employee. Their needs may change.

Keep to arrangements

Cancer treatment may make it difficult for your employee to be in contact at certain times, and this may only become clear after treatment has started. If you have agreed to call at a certain time on a certain day, keep that arrangement as your employee may have made the effort to be able to take the call.

If your employee doesn't want work contact

Sometimes an employee may not want any contact. Explore their reasons and reassure them you just want to be supportive. It may simply be because of how they are feeling at that point in time. You can ask them about it again later, when they may find the idea of contact from work less daunting.

I'll be back at my desk at 2.30pm ...

M Find *

" Change & Select."

SUPPORTING YOUR EMPLOYEE AT WORK

Knowing what your employee needs	48
Options for time off	49
Making reasonable adjustments	53
Occupational health advice	57
Access to Work	61

Knowing what your employee needs

Many employees choose to share their cancer diagnosis with their employer or manager. Knowing this can allow you to make reasonable adjustments (see pages 53–55). But you have no legal right to know the diagnosis or the clinical details of an employee's condition. Employees have a right of confidentiality under the Human Rights Act 1998 (see page 101).

With the employee's permission, you could ask an occupational health provider for advice about how the person's health may affect their ability to do their job. This conversation may cover:

- the likely length of time off
- the likely effect of their health issues on their return to work
- the likely length of time any health issues may affect the individual's ability to do their job
- whether there are any adjustments needed in the workplace to help overcome any disadvantage the individual may have because of their health issues
- the likely length of time any adjustments are needed for
- the potential impact of health issues on their performance or attendance
- the potential impact of health issues on health and safety
- whether the individual could do other roles in your organisation (see page 54).

If you need occupational health advice about an employee's condition (with their permission), you should make sure your questions are relevant to how your organisation is run.

Options for time off

Some people with cancer will be able to continue to work and others will need time off during treatment. Over the next few pages there is information about both planned and unplanned time off.

Sick leave

Your organisation should have clear policies about sick leave. This is an essential part of an employment contract and should include information about time off for appointments – see pages 50–51.

Your employee may be entitled to company sick pay under their employment contract. This is also known as occupational or contractual sick pay. It may be more generous than the legal minimum, which is Statutory Sick Pay (SSP). It can't be less.

If your organisation is in a position to do so, you could think about reasonably adjusting your company sick pay policy. This could be to cover extended periods over and above the standard statutory or contractual obligations.

SSP is paid after four days of sickness and lasts for up to 28 weeks of illness. If SSP is due to end soon, your organisation should provide the employee with a form called SSP1. This will give them information about when the last payment will be, and about applying for a benefit called Employment and Support Allowance (ESA). This benefit provides financial help to people who are unable to work because of illness or disability. It also provides personalised support to those who are able to work.

See pages 77–81 for more information about financial support.

Fit note

During the first seven days of sickness, an employee can self-certify that they are unable to work. After this time, a doctor may issue a **fit note**. This used to be called a sick note. A fit note allows doctors to advise whether someone may be fit for work or not fit for work, and will say why. Someone completely fit for work will not be given a fit note.

If the note says that someone may be fit for work, the GP should include information about how the person's illness affects them. They may also give advice about what could be done to help the person be able to work. The information should encourage the employer and employee to discuss and agree any changes that would help them go back to work.

Time off for appointments

Your employee will want to agree some time off. They should try to let you know in advance, so you can arrange cover if needed. But this may not always be possible.

People with cancer will need to go to medical appointments. Some may need to stay in hospital for treatment. They may also need time off if they are having complementary therapies. Your sick leave policy should include information on how time off for medical appointments is dealt with. But you may need to be flexible sometimes. This will depend on how many appointments they have and how often they are. Allowing time off work for appointments is a reasonable adjustment (see pages 53–55).

Time off for carers

If your employee is a carer, they may be legally entitled to take time off to deal with an emergency or if something unexpected happens to the person they care for. Whether this is paid or not will depend on the employment contract and your organisation's policy.

Other options for your employee include:

- compassionate leave
- parental leave (if their child has cancer)
- flexible working (see page 97)
- reduced or condensed hours
- taking time off that you're owed, if appropriate.

These options aim to allow your employee to look after their own health, or the health of the person they care for, while keeping your organisation running smoothly. They also protect the employee as much as possible from financial hardship.

Carers UK offers advice on employment issues and rights for carers, including time off. Visit their website **carersuk.org** or call them on **0808 808 7777**.

Hiring temporary cover

You may need to arrange temporary cover. This could be because your employee is unable to work for a long period of time, or if they want to reduce their hours. You should:

- discuss this honestly with your employee
- be clear about your reasons for hiring temporary cover
- be sensitive to their views and concerns they may feel you don't have confidence in their treatment
- let them know that the extra help is temporary
- follow your organisation's standard procedure for employing temporary workers.

For more information about managing absence and other employment issues, you can visit the Chartered Institute of Personnel and Development (CIPD) website – see page 111.

Employers and employees in England, Wales and Scotland can contact the Advisory, Conciliation and Arbitration Service (ACAS) for help on any employment issue, including absence management – see page 110. In Northern Ireland, you can contact the Labour Relations Agency – see page 112.

Remember to ask your employee about their preferences for keeping in touch while they are absent. See pages 44–45 for more information.

Making reasonable adjustments

Employers have a legal duty to make **reasonable adjustments** to the workplace and working practices for an employee who has cancer. This duty applies when the workplace or working practices mean the person with cancer is at a 'substantial disadvantage' because they have cancer. This disadvantage has to be 'more than minor or trivial'. This is the law under the Equality Act 2010 (England, Scotland and Wales) and the Disability Discrimination Act 1995 (Northern Ireland). See pages 94–101 for more information on these laws.

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

- the cost of making the adjustment
- how much the adjustment will benefit the employee
- how practical it is to make the adjustment
- how much the adjustment will disrupt the organisation.

Employers do not have to make a reasonable adjustment unless they know (or should know) that an employee has cancer.

Your employee should be fully consulted and involved in the adjustment process at every stage. It is usually in both your interests to work together to make the adjustments, as they will allow the person to continue working.

Examples of reasonable adjustments

Just one or two small changes could be all it takes to help an employee stay in work. Remember that what counts as a reasonable adjustment will always depend on the situation. Here are some examples of changes you could make:

- Giving your employee time off to go to medical appointments or for rehabilitation. This may already be covered by your existing policies.
- Changing their job description to remove tasks that they would find hard to do because they have cancer, or temporarily allocating some of their work to a colleague.
- Allowing them to work more flexible hours. This can help if your employee has fatigue, because it allows them to work when they feel strongest and have the most energy. Flexible hours also mean your employee can avoid travelling at busy times.
- Giving them extra breaks if they feel very tired. A short rest in a quiet place can be helpful.
- Changing their performance targets to take into account time off or any treatment side effects, such as fatigue.
- Moving them to a role with more suitable duties with their agreement.
- Making sure they can access the building if they use mobility equipment, such as a wheelchair or crutches. A car parking space closer to the entrance may be helpful. Or you could change where they work, for example by moving them to a ground floor office if they find it difficult to climb stairs. A professional assessment can help with this – get advice from an occupational health adviser (see pages 57–59).

- Giving them computer equipment that might help, such as voice-activated software if they can't type.
- Providing an accessible toilet.
- Changing the date or time of a job interview if it was planned at the same time as a medical appointment.
- Offering the option to work from home. Home working for one or more days a week has many of the same benefits as flexible hours. It allows your employee to save their energy. Make sure their home has a suitable work environment and that they have the right equipment to do the job. It's also important to make sure they stay in touch with colleagues and don't become isolated.
- Allowing a phased return to work see page 65.

You may find it helpful to watch our video **Making work** adjustments for an employee affected by cancer. You can find this on our website at macmillan.org.uk/workvideos or on our **Cancer in the workplace DVD**.

> 'I took the opportunity to work in my own office and stayed away from folks who clearly had a cold. Then during the few days after chemotherapy where I felt sick or rough, I worked from home.'

Ryan



Occupational health advice

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 advisers offer advice based on their clinical knowledge and an awareness of the duties and demands of the employee's role. You may consider consulting an occupational health adviser at an early stage, before going ahead with important changes or decisions affecting policies or individuals.

How they can help

Occupational health advisers can help you understand your responsibilities under employment and health and safety law. They can also help with business decisions about:

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

They can also help managers do risk assessments for employees with cancer or other chronic health problems. This is to ensure that, from a health and safety perspective, the work the employee returns to is appropriate.

When you might need workplace occupational health advice

When someone has cancer, occupational health advisers are most often used when:

- considering whether a job applicant is fit for employment
- supporting an employee after their diagnosis
- there is a management concern about the health and safety or performance of an employee who has been sick.
- considering whether someone is fit enough to return to work after being off sick.

If you don't have a workplace occupational health service

There is a government-sponsored service providing occupational health advice to working people, called Fit for Work. It was introduced in 2015 in England, Wales and Scotland. It is free and confidential.

Fit for Work provides the services of occupational health professionals to working people if they:

- have been off work for four weeks or more
- are likely to be off work for four weeks or more.

The service is available to everyone. It is particularly suitable for people whose employers don't have their own occupational health services. You can refer your employee directly to the service. In England and Wales call **0800 032 6235** or visit **fitforwork.org/employer** In Scotland call **0800 019 2211** or visit **fitforworkscotland.scot/employers** The Fit for Work service is not available in Northern Ireland. If you live in Northern Ireland, you should contact your workplace occupational health service, if you have one.

Many commercial companies offer occupational health consultancy to businesses. Or you can use NHS Health at Work. This is an occupational health service for small and medium-sized businesses. It charges fees. Visit **nhshealthatwork.co.uk** for more information.

Some employees and employers can get free occupational health advice over the phone if they work in a small business. This is only available in some areas of the UK. Call **0800 077 8844** in England, **0800 019 2211** in Scotland or **0800 107 0900** in Wales.

Macmillan has e-learning for occupational health advisers. Working with cancer: the occupational impact of cancer is a two-hour module about the occupational impact of a cancer diagnosis on working-age adults. Visit macmillan.org.uk/ learnzone for more information.



Access to Work

Access to Work is a government scheme. It offers grants and advice to help employees with a disability or health condition stay in work. You can contact the scheme either as an employer or an employee.

The scheme may pay for:

- special aids and equipment needed in the workplace
- travel to work if an employee can't use public transport
- a support worker.

For the scheme in England, Scotland and Wales, you can download an employers' guide from **gov.uk/government/ publications/access-to-work-guide-for-employers**

To find out more about Access to Work in Northern Ireland, contact an Employment Service Adviser in your local Jobs and Benefits Office or JobCentre, or visit **nidirect.gov.uk**

See page 110 for information on how to access the scheme.

'The challenge for me was getting the balance right in terms of work. I was aware she wanted to return but didn't want her doing too much too soon.'

Judy



HELPING YOUR EMPLOYEE BACK TO WORK

Joint return-to-work planning When your employee returns Easing the handover of work	64
	66 67
If your employee wants to resign	69

Joint return-to-work planning

If your employee has been away from work having treatment, it can be difficult to know when they are ready to come back.

Many employees do not get medical advice about when to go back to work. They are left to make this decision alone, based on when they feel it's the right time to return.

Joint return-to-work planning is where both you and your employee discuss and agree the best way forward. Cancer can be unpredictable, so plans should be flexible. They should be regularly reviewed so things can change along the way if needed.

Reasonable adjustments could be helpful ways of easing someone back into the workplace. These could be allowing flexible working, or planning a phased return to work. It's important to fully involve your employee in these conversations, to make sure you're making the decisions together.

In addition to agreeing a return-to-work plan, it's a good idea to schedule a meeting with your employee a week or two before their first day back at work.

Having a meeting before they fully return to work gives them a chance to visit the workplace, hear important updates and raise any concerns. It also allows you to find out how they are feeling and sort out any potential problems before they happen. You can check how much they want the team or the rest of the organisation to know, and how comfortable they will be with people asking them how they are. If you are their manager, you will need to be flexible with your employee's return-to-work scheme. Their recovery from cancer may be difficult to predict, so the plan may have to change over time. Recovering from cancer is often a long process and side effects may continue for months or even years.

As part of your joint return-to-work plan, you will need to discuss and finalise any reasonable adjustments you need to make. See pages 53–55 for more information about reasonable adjustments and examples of what they could include.

Phased return to work

An example of a reasonable adjustment you could make is to allow your employee to make a gradual, phased return to work.

You and your employee could do this by agreeing a lighter workload, or using holiday they are owed to shorten the working week.

A phased return to work can allow your employee to return to work sooner. It can also allow them to settle back in at a pace that suits them and you. This can be an effective way to help employees readjust after a period of time off because of illness.

When your employee returns

You can take some these practical steps to help your employee settle back into work:

- Be there on their first day, or phone them if you can't be. Make sure the rest of the team are expecting them so they feel welcomed.
- Meet at the start of the day to discuss their work plan and handover arrangements. This is another chance to check whether they're worried about anything.
- Agree a regular review process with your employee. This is to monitor their progress and make sure their workload is manageable. You can make some reasonable adjustments to help them succeed.
- Make sure they are taking breaks and that they are not overworking. Overtime should not be encouraged, so check your employee is leaving work on time.
- 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 too.
- Show them where to find further support. See pages 106–109 for all the ways Macmillan can help. Suggest they talk to an occupational health or HR professional, if this is possible in your organisation. If there is a confidential counselling service at work, you can let them know about this.
- Plan for occasional future absences. These may be due to medical appointments or because your employee, or the person they care for, is not feeling well. Side effects such as fatigue can continue long after treatment is over (see pages 26–27).

Easing the handover of work

These tips can make sure the handover of work is manageable for your employee:

- Make sure your employee doesn't return to an unmanageable amount of work and emails. Spread the work out so everything isn't given to them at once.
- Try to break tasks down into smaller steps, to make the job more manageable. This can encourage a sense of achievement.
- Prioritise jobs so your employee knows what the most important tasks are. They'll have a greater sense of control and achievement. This will also make sure they meet the needs of the job.
- You could reallocate or change certain tasks. Manage this sensitively, so colleagues don't feel overburdened. You can reassure the person with cancer that this is temporary and is not meant to undermine them or their work.
- Adjust performance targets temporarily so they are realistic for your employee.

Alternative employment

Suitable alternative employment may be an option if, despite best efforts, your employee is unable to do their job. If the situation is likely to change in the future, this can be temporary. You could agree a date for reviewing the situation later on.

Remember, changes to your employee's working conditions can be temporary or permanent. These changes may have an impact on their terms of employment.

Before any substantial changes are agreed:

- make sure the employee is completely clear on what the changes mean
- review your organisation's policies to find out what support can be offered.

Any substantial or permanent changes should be confirmed in writing. Your employee should sign this document to show they agree to the change.

If your employee wants to resign

If your employee wants to resign, it's important to understand their reasons. Sometimes their emotions can influence their decision. You might help them come to a different decision by offering extra support and explaining all the options. This could help you keep a valued member of staff.

For some people, leaving work is the best choice. If this is their decision, make sure you follow your organisation's leaving procedure.

Stopping work because of cancer can have a big impact on someone's finances. Resigning or retiring early can affect the state benefits, pensions and insurance they are entitled to. It's a complex area and every situation is unique. Because so much is at stake, encourage your employee to get expert guidance and find out what their position is, before any formal action is taken on either side.

You could suggest your employee calls our financial guides on **0808 808 00 00**. See pages 77–81 for more information about financial support.



BEREAVEMENT

If your employee is terminally ill If your employee dies Supporting your team Carers	72 73 74 75
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If your employee is terminally ill

Many people live for months or years after a diagnosis of incurable cancer. By law, an individual should be allowed to work for as long as they want. This depends on medical advice and any health and safety concerns.

Many people with cancer choose to stay at work for as long as possible. In this case, you should make reasonable adjustments (see pages 53–55) and do your best to help the person keep working.

If the employee is gradually getting weaker, this can be difficult to manage. An occupational health adviser should be able to help (see pages 57–59). Colleagues may also find this time upsetting. Let employees know about any counselling or employee assistance programme (EAP) that's available in your organisation. You can also suggest they call our free support line on **0808 808 00 00** for support.

The person who is ill may also need advice about things like their pension or writing a will. Our financial guides on the support line can also help with this.

If your employee dies

Many people survive cancer treatment. But your employee, or the person they are caring for, may die from their illness.

If your employee dies, you will be responsible for taking the following practical steps:

- Telling colleagues in the organisation.
- Telling clients, customers and suppliers. This can prevent embarrassment and upset if they attempt to contact your employee without knowing what has happened.
- 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 someone in the HR department. Financial matters such as remaining pay, pensions and insurance, should be sorted out quickly. Make sure any letters or emails you send to the family are not addressed to the person who has died.
- 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 equipment or a company car. Be sensitive when you do this.

Supporting your team

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, personally as well as professionally. This could be an exhausting time for you. Remember to look after your own needs and be aware of where you can get support from too.

You may want to think about ways to remember the person. This could be by setting up a memorial, such as a garden or a plaque.

If anyone at work needs someone to talk to, they can contact us on **0808 808 00 00** for emotional support. They can also contact Cruse Bereavement Care, an organisation which provides information and support to anyone who has been bereaved. They can call them on **0844 477 9400** or visit their website at **crusebereavementcare.org.uk**

You should also let your team know about any counselling service or employee assistance programme (EAP) that your organisation provides.

Our video **Managing bereavement and end of life** offers advice on how to cope with these issues and includes stories about how they have affected lives in the workplace. You can watch this on our **Cancer in the workplace DVD** or on our website at **macmillan.org.uk/workvideos**

Carers

An employee caring for someone who is dying may start to need more time off. You may need to be flexible about this. When the person they care for dies, they will need time off work to grieve and be with their family. This is sometimes known as compassionate leave.

If there are children who were close to the person who died, your employee will need to give them extra support. It may not always be easy to predict when they will be needed at home.

They may also need time off work to sort out practical things, such as arranging the funeral and dealing with financial or legal matters.

Some people may want to talk about the person who has died, while others may not. Take guidance from your employee. If you have an employee assistance programme at work, let them know about it. You can also suggest they call the Macmillan Support Line on **0808 808 00 00**.



FINANCIAL SUPPORT FOR YOUR EMPLOYEE

How changes at work can affect	
someone's finances	78
Financial support from Macmillan	79
Other sources of support	81

How changes at work can affect someone's finances

A cancer diagnosis could mean your employee needs to make changes to their job. This could be changes in working hours, a resignation or taking early retirement. Before they make these changes, they should seek expert advice.

Changes to their job can cause:

- a loss of income
- a change in the pension they are entitled to and payouts from insurance policies, including life, mortgage, income protection and critical illness
- a change in the state benefits they are entitled to this can be a big source of new income for people affected by cancer and your employee may not think to apply for them.

The choices someone makes about their employment can affect what financial help they are entitled to. It will also impact their finances in the future. Before formally agreeing to any changes, make sure your employee has had expert advice about what might happen.

Financial support from Macmillan

Cancer can have a serious impact on someone's finances. People often lose some of their income, while spending more on things like travelling to hospital. Macmillan can help with money worries.

The Macmillan Support Line

On the Macmillan Support Line, we have lots of financial specialists who can help people with their money worries:

- Welfare rights advisers can help people apply for benefits and other financial support.
- **Financial guides** can give guidance on personal finance options, such as insurance, pensions, mortgages and tax.
- **Energy advisers** can help people try to reduce their heating and electricity costs.

We can also give people information about **Macmillan Grants**. These are one-off grants for people affected by cancer who have a certain amount of income and savings.

If your employee is worried about debt, we can refer them to our charity partner **StepChange Debt Charity** for advice.

Your employer may also find it useful to read our booklet **Help with the cost of cancer**, which has information about financial support and benefits.

The Macmillan Support Line is open Monday to Friday, 9am to 8pm. Our financial guides are available Monday to Thursday, 9am to 5pm and Friday, 9am to 4.30pm. Call us on **0808 808 00 00**.

You can also find out more about how we can help at **macmillan.org.uk/financialsupport**

Face-to-face support

Your employee may also be able to meet a Macmillan welfare rights adviser in person. Visit **macmillan.org.uk/inyourarea** to see where this service is available. Other organisations can also provide support in person, such as Citizens Advice (see page 81).

Our financial support tool

Employees can also use our online financial support tool at **finance.macmillan.org.uk** It includes a quick benefits checker and a benefits calculator. Your employee can use these tools to find out which benefits they may be able to get.

Other sources of support

If your employee lives in England, Scotland or Wales, they can find out about state benefits and apply for them online at **gov.uk**. This website has information about financial support, their rights, employment and living with a disability.

If they live in Northern Ireland, they can find out more about financial support, employment and their rights at **nidirect.gov.uk** Or they can call the Benefit Enquiry Line Northern Ireland on **0800 220 674** for more information.

They can also find out more about benefits from Citizens Advice, at **citizensadvice.org.uk**

If your employee belongs to a trade union, they may also be able to offer advice.

Your employee may wish to talk to a financial adviser about financial products such as pensions, insurance and investments. These advisers may charge a fee for their services. Your employee can find a qualified professional at **unbiased.co.uk** They can confirm a financial adviser's credentials by checking the Financial Conduct Authority website – **fsa.gov.uk**

Your employee can also get information from the Money Advice Service at **moneyadviceservice.org.uk**. It is an independent body set up by the UK government. It runs a free financial health check service and gives general advice about all types of financial matters.



LEGAL RIGHTS

How people with cancer are protected	
from discrimination	84
Types of disability discrimination	86
How carers are protected	94
Right to request flexible working	100
Confidentiality	101

How people with cancer are protected from discrimination

If a person has cancer, the law considers them to be disabled. This means they cannot be treated less favourably than others because they have cancer. If they are treated less favourably because they have cancer, this is discrimination.

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

- In England, Scotland and Wales, people with cancer are protected by **The Equality Act 2010**.
- In Northern Ireland, people with cancer are protected by the **Disability Discrimination Act 1995 (DDA)** (as amended).

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

Carers are also protected from some types of discrimination. See pages 94–100 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
- terms and conditions of employment, and any benefits
- opportunities for promotion and training.

The protection doesn't end once cancer treatment finishes. Someone with cancer still has legal protection against discrimination at work, even when there is no longer any evidence of them having cancer.

This means employers must not treat people less favourably for any reason related to cancer they've had in the past. This protection applies even if they no longer need treatment or they move to another employer.

Reasonable adjustments

Both the Equality Act and the DDA say that you have to make reasonable adjustments to the workplace and working practices for employees with cancer.

These are required to remove any substantial disadvantage employees face in the workplace because they have cancer.

You can read more about reasonable adjustments on pages 53–55.

Types of disability discrimination

There are several 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 53–55).

Direct disability discrimination

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

Direct disability discrimination is when, because of their disability, a person receives 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, an employer might suggest that promoting an employee would be too demanding, because of their cancer. But it would be acceptable for an employer to have a sensitive conversation with the employee about the impact of a new job on their health.

Some problems may happen because of misunderstandings about cancer. An employer may assume that a person with cancer can't do the same job any more. Or they may assume the employee is less committed to work because of their illness, or that the stress of having cancer makes them less suitable for promotion.

Other members of the team may also think that they will need to do extra work because the person with cancer can't do their 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 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. The employer would have to prove that treating the employee that way is meant to help achieve an aim of the organisation in a fair and balanced way. The employer must also show that they have considered any reasonable adjustments (see pages 53–55). Whether DAD can be justified will depend on the individual circumstances.

There will be no DAD if the employer can show they didn't know, and couldn't reasonably be expected to know, that the person has a disability. You must have taken all reasonable steps to find out if they 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 an employer can show it is meant to help achieve an aim of the organisation in a fair and balanced way. The employer must also have considered any reasonable adjustments.

Unlike DAD, the employer does not need to know about a person's disability to indirectly discriminate against them.

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 a person experiences unwanted behaviour related to their disability, which causes them 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 challengethem. 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 a person is treated unfairly because they have done, or will do (or someone thinks they 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.

It also applies if a person has helped someone else make a complaint and they are treated badly. And it applies if an employer thinks they may make a complaint or help someone to make one. This applies whether the person is disabled or not. Under the Equality Act in England, Scotland and Wales, a person only needs to show they were treated unfavourably and they must genuinely believe this is true.

Under the DDA in Northern Ireland, a person also needs to prove that they have been treated less favourably than someone who has not made a complaint.

A person is not protected by legislation if they don't act honestly and don't believe what they are saying is true. But they will be protected if they give information that is wrong but which they 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 a person experiences from other employees because they have cancer.

An employer could also be vicariously liable for harassment if a person experiences unwanted behaviour from other employees because they 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.



How carers are protected

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 a person is treated less fairly than somebody else because they 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 someone is a carer, they are:

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

Harassment

This is when a person experiences unwanted behaviour because they are associated with someone who has cancer. The behaviour may cause them to feel intimidated, degraded or offended.

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

Victimisation

Victimisation is when a person is treated unfairly because they have done, or will do (or someone thinks they 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.

Under the Equality Act in England, Scotland and Wales, a person only needs to show they were treated unfavourably and they must genuinely believe this is true.

Under the DDA in Northern Ireland, a person also needs to prove that they have been treated less favourably than someone who has not made a complaint.

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



Flexible working and reasonable adjustments

Flexible working could help make it easier for carers 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) means carers can make a request for flexible working – see page 100 for more information.

Employers do not have to make reasonable adjustments if a person is not disabled, including if they are a carer. However other legislation may give the person the right to a reasonable amount of unpaid time off work for caring responsibilities (see next page).

'I had a flexible employer who let me work around my husband's hospital appointments and chemotherapy. I had to switch off from the cancer when I was at work, so it gave me an 'escape' as soon as I walked through the office doors.'

Jane

Time off in an emergency

Carers in paid employment 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 the person, but is not a tenant, lodger, boarder or employee
- someone who would reasonably rely on the person to help them if they become ill or need them to make care arrangements for them.

Possible emergencies may include:

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

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

For someone to use this type of time off, they must tell their employer as soon as possible after the emergency has happened. Time off for dependants is usually unpaid, unless an employer chooses to pay the person.

Time off for dependants doesn't apply if the person wants to take planned time off to care for a dependant. For example, if they want to take them to a medical appointment.

You may have a policy for other types of leave for carers, or you 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 the employer to decide whether or not to agree to these other types of leave arrangement.

Right to request flexible working

Flexible working could include changed hours or working from home. Since June 2014, all employees have the right to request flexible working in certain circumstances. Employees must have worked for their employer for 26 weeks at the date an application for flexible working is made. Employees can make one request every 12 months.

Before June 2014, this right only applied to parents and carers.

There is no automatic right to work flexibility – the right is to make a request for this. Employers can refuse a request, but only on specified grounds. They must deal with requests in a 'reasonable manner'. Employees can appeal against a refusal. ACAS has a free online guide to dealing with flexible working requests reasonably – see page 110.

If a request is granted, it will be a permanent change to the person's contract, usually after a trial period, unless agreed otherwise.

The main laws that cover this right are:

- The Children and Families Act 2014
- The Work and Families Act 2006
- The Employment Act 2002
- The Employment Rights (Northern Ireland) Order 1996.

Confidentiality

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

- An employer doesn't have an automatic right to access an employee's medical information.
- But an employer may ask their employee's permission to get a medical report on their health from their doctor or other health professional.
- The employee has the right to see this report (if they ask to) before it is given to the employer.
- You may want to talk to your employee about whether you want colleagues and clients to be told about their condition. Employers can't give out this information without the consent of the person with cancer.
- Employers should take care to protect personal records, including emails and any meeting notes containing details about a person's condition. This is sensitive personal data and should be treated as such.



FURTHER INFORMATION AND SUPPORT

Macmillan resources for employers	104
About our information	106
Other ways we can help people affected	
by cancer	108
Other useful organisations	110

Macmillan resources for employers

Buddying guidelines

Guidelines developed with employers and people affected by cancer to help organisations implement a buddying system in the workplace. Visit **macmillan.org.uk/employer**

Cancer in the workplace videos

These videos show different scenarios of people who are affected by cancer, and the issues it raises for them in the workplace. You can watch them online at **macmillan.org.uk/workvideos**

Cancer policy template

A template to help HR teams develop a company policy for handling cancer in the workplace. You can find the template at **macmillan.org.uk/employer**

The essential work and cancer toolkit

A pack of resources to help employers support people affected by cancer. It contains practical advice, top tips, and guidance for HR professionals, managers and employees. To order one, visit **macmillan.org.uk/worktoolkit**

E-learning module

Cancer in the workplace: managers is an online module that aims to give line managers the confidence and knowledge needed to deal with cancer at work. It covers key areas such as talking about cancer, confidentiality, rights and responsibilities, and supporting carers. You can complete it in one session, or over time. Visit **macmillan.org.uk/learnzone**

Macmillan at Work

Macmillan at Work is a programme which provides:

- expert training
- consultancy
- information and support
- resources including our e-newsletter and the essential work and cancer toolkit.

By joining Macmillan at Work, you'll have the opportunity to book our specialist work and cancer training sessions for your line managers and HR professionals.

Find out more by visiting **macmillan.org.uk/atwork** or email us at **workandcancer@macmillan.org.uk**

About our information

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

Information about cancer

Your employee may want to order leaflets or booklets about cancer. They can 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 Anyone who would like us to produce information in a different format can 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. You could help us improve our cancer information for employers and managers. We can give you the chance to comment on a variety of information, including booklets, online information and videos. 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 people affected by cancer

At Macmillan, we're here to support anyone affected by cancer. No one should face cancer alone.

Talk to us

When someone is affected by cancer, talking about how they feel and sharing their 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 about cancer or treatment
- help people access benefits and give financial guidance
- be there to listen if you need someone to talk to
- tell people about services that can help, in their area.

Anyone can call us on 0808 808 00 00 or email us through our website at macmillan.org.uk/talktous

Information centres

Our information and support centres are based in hospitals, libraries and mobile centres. There, people affected by cancer can speak with someone face to face. They can visit one to get the information they need or if they would like a private chat. Most centres have a room where you can speak with someone alone and in confidence.

Your employee could find their nearest centre at **macmillan.org.uk/ informationcentres** or by calling **0808 808 00 00**.

Talk to others

No one knows more about the impact of cancer 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 your employee is living with cancer or is a carer, we can help them find support in their local area, so they can speak face to face with people who understand. They can find out about support groups in their 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. Anyone can access it any time of day or night. People can share their 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. Your employee can call us or ask their GP, consultant, district nurse or hospital ward sister if there are any Macmillan professionals near them.

Macmillan's My Organiser app This free mobile app can help people manage their treatment, from appointment times and contact details, to reminders for when to take medication. Available from the Apple App Store or Google Play.

Other useful organisations

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

Work support

Access to Work Tel 0345 268 8489 www.gov.uk/access-to-work Provides advice and practical support to people with long-term health conditions and their employers, to help meet the costs associated with work-related obstacles.

Access to Work (NI) www.nidirect.gov.uk/ access-to-work-practicalhelp-at-work

Gives support and advice to employees with disabilities and their employers. To apply for assistance through this programme, speak to an adviser at your local Jobs and Benefits Office.

Advisory, Conciliation and Arbitration Service (ACAS)

Euston Tower, 286 Euston Road, London NW1 3JJ **Tel** 0300 123 1100

www.acas.org.uk

Gives advice to employees and employers to help improve working life and relations. Offers information, advice and training.

Business Disability Forum

Nutmeg House, 60 Gainsford Street, London SE1 2NY **Tel** 020 7403 3020 **Email** advice@ businessdisabilityforum.org.uk **www.**

businessdisabilityforum. org.uk

Organisation that works to make it easier for employers to employ disabled people and welcome disabled customers.

Chartered Institute of Personnel and Development (CIPD)

151 The Broadway, London SW19 1JQ **Tel** 020 8612 6200 **www.cipd.co.uk** A professional body that supports employers and organisations to improve their HR and development practices, to achieve a better working life.

Fit for Work (England, Scotland and Wales) England and Wales

0800 032 6235 Welsh language 0800 032 6233 Scotland 0800 019 2211 www.fitforwork.org www.fitforworkscotland.scot Provides free advice and information to employers about health issues affecting employees. The service is also available to employees.

Healthy Working Lives (Scotland) Tel 0800 019 2211

www. healthyworkinglives.com Provides free, confidential advice and information for employers on health and well-being in the workplace.

Healthy Working Wales Tel 0845 609 6006

www. healthyworkingwales.com

Provides support to employers, employees and health professionals to improve health at work and support people returning to work. The telephone numbers above offer advice for those employed by or managing a small business.

Institution of Occupational Safety and Health (IOSH)

The Grange, Highfield Drive, Wigston, Leicester LE18 1NN **Tel** 0116 257 3100 **www.iosh.co.uk** A health and safety organisation committed to ensuring workplaces are safe, healthy and sustainable.

Labour Relations Agency (Northern Ireland)

2–16 Gordon Street, Belfast BT1 2LG **Tel** 028 9032 1442 **Email** info@lra.org.uk **www.lra.org.uk** Provides an impartial and confidential employment relations service to those engaged in industry, commerce and the public services.

Working with cancer www.

workingwithcancer.co.uk

Provides coaching, advice and support to people with cancer and carers. Employers can purchase this service to help employees return to or remain in work.

WorkSMART www.worksmart.org.uk

Part of the Trades Union Congress (TUC), this website provides information in different formats on employment rights, health at work and financial matters.

Supporting carers

Employers for Carers

20 Great Dover Street, London SE1 4LX Tel 020 7378 4956 Email employers@carersuk.org www.

employersforcarers.org

A service for employers to help them retain employees who are caring for a family member.

Advice on legal rights

Equality Advisory and Support Service

FREEPOST Equality Advisory and Support Service FPN4431 Tel 0808 800 0082 Textphone 0808 800 0084 www.

equalityadvisoryservice.com

Promotes equality and provides information to people about their rights.

Equality Commission for Northern Ireland

Equality House, 7–9 Shaftesbury Square, Belfast BT2 7DP Tel 028 90 500 600 Textphone 028 90 500 589 Email

information@equalityni.org www.equalityni.org

Aims to promote equality of opportunity, encourage good relations and challenge discrimination through promotion, advice and enforcement.

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 Cancer Information Development team. It has been reviewed and approved by Macmillan's Working Through Cancer team.

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Sources

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

Macmillan Cancer Support. The Rich Picture on People of Working Age. 2014. Macmillan/YouGov Carers Resarch. 2016. Maddams et al. Projections of cancer prevalence in the United Kingdom, 2010–2040. British Journal of Cancer. 107. 2012. Ministry of Justice. Employment and EAT tribunal statistics: financial year 2013–2014. www.gov.uk/government/collections/tribunals-statistics (accessed June 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.



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

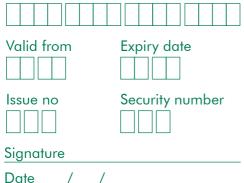
Email

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



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.



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

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 This booklet is for you if you are a manager, an HR professional or an employer. It is about how you can support people affected by cancer in your workplace.

It suggests practical things you can do and explains your responsibilities as an employer. It helps you understand what your employee is going through, whether they have cancer or they are looking after someone with cancer.

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.

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