

A new shape of lawyer

Making proper provision for employees with cancer



Simon Crack

Figures collated by Macmillan Cancer Support suggest that a third of Britons living with cancer are of working age and that the majority of those in a job at the time of their diagnosis choose to return to the workplace.

In part this is due to more effective treatments improving the prognosis for those who develop the illness, a very welcome development.

It does, however, mean that employers have to be aware of the risk assessments which need to be carried out for employees living with the condition.

It is important to note that under the Equality Act 2010, any member of staff who has received a cancer diagnosis is considered disabled.

As an employer, you must ensure that you make reasonable adjustments to take account of the person's circumstances or else face the risk of a discrimination claim. If a disabled person succeeds in their claim they could be awarded unlimited compensation.

The types of adjustments will vary depending on the nature of an employee's role and the illness itself. The Institution of Occupational Safety and Health (IOSH) advises that you should make sure to carry out a wide-reaching risk assessment, identifying steps you can take to ensure the member of staff can carry out their duties safely.

These may include removing lifting and carrying duties, adjusting hours of work, allocating some of their duties to another employee, modifying equipment and altering the place of work.

This assessment should be reviewed on a regular basis to take account of any change in a person's condition.

Businesses obviously have a difficult balancing act when deciding on the best arrangements, but given the sizeable number of cancer patients who said they felt they'd been left with little choice but to leave their role, it is clear that some firms aren't always getting it right.

This is why it is so important to ensure the issues relating to an employee with cancer are given thorough consideration, thus making the job as comfortable as possible for them and ensuring your business meets its obligations in full.

If you would like advice please call Hethertons employment team on **01904 528 200** and speak to Jo or Gill.