

SAFETY



# CANCER

Cancer will affect 1 in every 3 people at some time in their life. It is a disease that affects the cells in the body. It arises when the process of cell reproduction gets out of control, with cells continuing to divide and develop into a tumour.

Often these tumours are harmless or are only a problem if they put pressure on surrounding organs. However, in some cases, the tumour can spread beyond its original site and start to destroy the surrounding tissues. These malignant tumours are cancerous.

There are hundreds of different kinds of cancer.

The vast majority affect the covering or lining of organs (including the skin). These are carcinomas. The other main types are sarcomas, found in bone and connective tissue, lymphomas of the bone marrow or lymph glands, or leukaemia, cancer of the blood.

Cancer is treated by surgery, drugs (chemotherapy) or x-rays and other radiation (radiotherapy). Sometimes a combination is used.

Both chemotherapy and radiotherapy have side effects, including nausea, tiredness, lack of appetite, diarrhoea, and weight loss. Chemotherapy can also cause hair loss.

These side effects vary depending on the person and the treatment, but are generally temporary. A small number of people do have long term health problems after radiotherapy.

Between 5% and 25% of cancers, in particular many

lung cancers are caused by occupational exposure. However, it is not the intention of this briefing to deal with occupational exposure to cancer causing substances.

## TRADE UNION ISSUES

This briefing is intended to highlight some of the general issues that should be considered, although any UNISON member experiencing cancer will have very specific problems that must be addressed individually.

Separate advice on sickness and absence is contained in UNISON's guide to sickness absence monitoring. People with cancer often experience considerable prejudice from both managers and colleagues. Often this is a result of misunderstanding about the nature of cancer, or simply irrational fear.

However, it may result in members hiding their illness from their employer. Members with a history of cancer may also be unwilling to divulge the fact to their employer, or to a future employer, because they will fear the possible reaction.

Most, but not all people with cancer, are covered by the Disability Discrimination Act.

One of the serious weaknesses of the Disability Discrimination Act is the definition of disabled people that it chooses. Only a person who "has a physical or

mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities” is protected from employment discrimination under the act.

People who have had an impairment in the past are treated as disabled for the purposes of the act, as are people whose condition is controlled by medication. However, people with a progressive condition, which will eventually have a substantial and long-term adverse effect on their ability to carry out normal day to day activities, are not covered until they begin to show some symptoms.

The result of this definition is that the act covers:

- people who have had cancer in the past
- people who have cancer and have started to develop symptoms
- people who have cancer and would have symptoms if it were not for medical treatment
- people who have cancer but have not yet started to develop any symptoms are not covered until they start to suffer symptoms

Also the act only covers employers with 20 or more employees, so some private contractors, private schools, voluntary organisations, and care providers are excluded.

The Disability Discrimination Act makes it unlawful for employers to discriminate against a disabled person in certain areas:

- in recruitment procedures
- in the terms on which employment is offered
- by refusing to offer, or deliberately not offering employment
- in the terms of employment for people already employed
- in opportunities for promotion, transfer, or training, or refusing to offer such opportunities

- by dismissing the disabled person, or causing them any other detriment

The law outlines discrimination in three ways:

- by treating a disabled person less favourably, for a reason related to her/his disability than they treat, or would treat, others who do not have that disability
- by not making reasonable adjustments to recruit, retain, or develop the career of someone who is disabled (A reasonable adjustment can take different forms. It can be an adaptation to the work premises or equipment, or the provision of special equipment, or the reorganisation of the job. What is reasonable will vary from one employer to another. Generally speaking, the larger the employer and the greater its resources, the more it will be expected to do)
- by victimisation. This is the only part of the act where one does not have to be disabled to be protected. Victimising anyone for using the act or supporting someone using the act is unlawful

While the Disability Discrimination Act goes a small way towards protecting members with cancer, branches should also seek to use general anti-discriminatory policies.

## CONFIDENTIALITY

One of the main problems that a branch or regional officer may come across is the question of disclosure of information. Employers are likely to seek medical information either when an individual is offered a job, or if someone is ill for a period of time.

Under the Access to Medical Reports Act 1988, an employer must obtain written consent from an employee before applying to the employee’s doctor for a medical report. The employee has the right to see



this report, to request amendments, or to refuse consent if they disagree with the medical report.

Medical reports should not contain medical details or results of tests. They should be an assessment of the persons fitness for work only. If the report contains irrelevant information, such as detail of a past cancer diagnoses which has since been successfully treated, the GP can be asked to remove that reference.

If information on a current cancer diagnoses is provided to the employer then the employer should ensure that it is kept confidential from the members work colleagues and any line managers who have no reason to know the details of the illness.

## PRACTICAL ASSISTANCE

Under the Disability Discrimination Act employers must provide reasonable adjustments for most members with a cancer diagnoses. Adjustments are not just physical alterations. They can also be changes to working practices.

Some employers and colleagues have mistaken ideas about the impact of cancer or its treatment on work. It is true that some people may suffer fatigue or pain, or need to take time off for treatment, and this section deals with these issues. Many people with cancer, however, adopt a “carry on as normal” strategy, and not being moved to lighter duties or adjusting their work is important for them.

In particular, branches should contest any decision that a diagnoses of cancer automatically leads to ill health early retirement, unless that is what the member wants.

The key point for union representatives is to find out from the member concerned what they think is needed. When discussing this, union representatives can encourage them to talk about their work to whoever is giving them treatment. There may be implications for the treatment itself, and a health professional may be more experienced in the various options

open to the member.

The first type of adjustment a member with a cancer diagnoses may need is time off. This may be time off for treatment, or to cope with fatigue or pain.

Members with cancer may need to take some time away from work, especially if they have physically demanding jobs. This may take the form of sickness absence, fewer working hours per day or fewer days per week.

Sick pay arrangements will vary depending on the service, and the national or local agreements covering the member. However, it is important that the member has accurate information on their sick pay and benefits options before making any decisions on their future. Advice on benefits can usually be obtained from either a medical social worker or a Citizen’s Advice Bureau.

The second main type of adjustment a member with a diagnoses of cancer may need is a change of duties. This is particularly likely to be the case where the member has a very demanding job.

It may be appropriate for the member to move temporary to another job altogether, or it may be that only one element of the job is causing problems, in which case the job could possibly be redesigned.

Where duties change as a result of changes to the member’s ability, UNISON representatives should ensure that this does not carry any loss of salary, and that the member has the right to return to their old job when they are able to take it up again. The branch should also attempt to ensure that other members affected by any changes in work are consulted.

UNISON branches will want to ensure that adjustments made to support and retain a member with a diagnoses of cancer are supported by other members of staff, and as far as possible, that their interests are addressed, as well as those of the member with cancer.

Where major changes are necessary it may be that colleagues will be required to



be told something of the personal situation of the member. Where this is done no move should be taken by either the employer or the UNISON representative without consulting the member with cancer.

After treatment, a member who has had cancer may have a permanent impairment, such as the loss of an organ or limb. It may be necessary for the employer to make adjustments to enable the member to continue working or to return to work. These adjustments could include adapting premises or equipment. The Employment Service offers a number of services which might be of help to employers needing to make these adjustments.

These are:

- Placement Assessment and Counselling Teams (PACTs) - these are based in job centres and help employers with advice on recruiting and retaining disabled employees. They can also put employers in touch with the Employment Medical Advisory Service for more detailed advice
- The Access to Work Scheme - this reimburses the employers of disabled people with up to eighty per cent of the cost of any help that the employee needs because of a disability
- The Job Introduction Scheme - this provides grants to employers who take on disabled employees for a trial period
- The Supported Placement Scheme - this helps people with severe impairments to work in "open" employment alongside non-disabled people

## GETTING HELP

UNISON has provided detailed advice to branches on the Disability Discrimination Act, and on sickness absence monitoring. However, support from outside organisa-

tions will also probably be required.

The main organisation supporting people with cancer is Cancer BACUP. This provides information, support, and counselling. Specific leaflets on most forms of cancer are also available. They provide an information service on 020 7613 2121, or freephone 0800 181199.

There is a separate counselling service available on 020 7696 9000, or in Scotland, 0141 553 1553. For details of their full list of publications please call 020 7696 9003.

