



WORK & CANCER

UNDERSTANDING YOUR RIGHTS

Prepared by:



In partnership with:
Sussex Cancer Fund



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Introduction

Being diagnosed with cancer affects many areas of your life, and work and money are often some of the biggest worries. You may be unsure about your entitlement to sick pay, whether you'll lose your job, or how you'll cope with treatment and working at the same time.

This guide aims to help you understand your rights and entitlements, as well as practical advice for navigating work whilst having cancer.

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Cancer and the Law

Cancer is automatically considered a disability under the Equality Act 2010. There is no test you have to pass, once diagnosed, you are considered disabled for the purposes of the Act, and for the rest of your life.

This means:

- You are protected from disability discrimination.
- Your employer is obligated to make "reasonable adjustments" for you.

Reasonable adjustments are changes and accommodations to the workplace to support you. These could include:

- Flexible hours or working from home
- Extra breaks
- A phased return to work after treatment
- Adjusted duties or lighter tasks
- Moving your desk closer to the toilets if you need them more often

Adjustments have to be reasonable for your employer too. They must consider their size and resources and whether the changes you need are practical. It is unlawful for your employer to refuse reasonable adjustments.

Pay & Time Off

If you are not well enough to attend work, provided you are eligible, you are entitled to Statutory Sick Pay (SSP). To qualify for SSP you must:

- Be classed as an employee and have done some work for your employer
- Earn an average of at least £125 per week
- Have been ill for more than 3 days in a row (including non-working days)

Many employers provide more than SSP, offering “company sick pay”, which often gives full pay for a set period. To find out what you are entitled to, check your employment contract and your sickness policy (often in your employee handbook). If you are unsure, ask your line manager or HR.

Some employers also provide group income protection insurance or other health insurance that pays out if you cannot work. It's worth asking HR whether this is offered.

If you are off work for more than 7 days, you must provide your employer with a Fit Note from your GP or other medical professional.

Your employer might also ask you to see Occupational Health. This is not to catch you out, it's to get professional advice on what adjustments might help you return safely. You will usually be asked to consent before any report is shared.

Your holiday entitlement continues to build up while you are off sick, and you can carry it over into the next holiday year for up to 18 months.

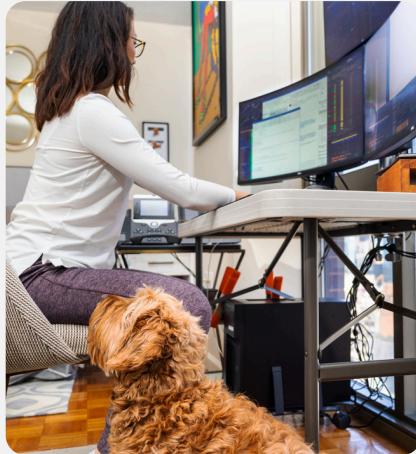
Medical Appointments & Treatment

There is no automatic legal right to paid time off for treatment or hospital appointments.

However, because cancer is a disability, refusing to allow you to attend essential treatment could be discriminatory. Most employers will allow time off, and many have policies that cover this.



Returning to Work



Planning Your Return

When you are ready to return, your employer should meet with you to discuss a plan.

This might include:

- A phased return, where you build up your hours gradually
- Reduced or amended duties
- Other adjustments to help you settle back in

You should not be pushed to return before you are ready, and you should be supported with adjustments that reduce stress and protect your health.

Flexible Working

You have a legal right to make up to two flexible working requests per year.

This could mean asking to change:

- Your working hours
- The days you work
- Where you work (for example, from home)

Your employer must properly consider your request. If they refuse, they must give a valid business reason.

Ignoring or dismissing your request where it relates to your cancer may be discriminatory.

Protection From Dismissal

You cannot be dismissed simply because you have cancer.

If your employer considers ending your employment, they must:

- Show that they have explored reasonable adjustments first
- Follow a fair process
- Consider alternatives such as redeployment, flexible working, or ill-health retirement (if applicable)

Dismissing you without this could be both unfair dismissal and disability discrimination.

Getting Support

III-Health Retirement & Pensions

If you are a member of a workplace pension scheme, you may be able to apply for ill-health early retirement if you are too unwell to continue working. The rules differ depending on the scheme, so check with your HR team or pension provider.

Support for Carers, Friends & Family

If you are caring for someone with cancer, you also have rights at work:

- You can take reasonable unpaid time off in an emergency involving the person you care for.
- Eligible employees can take up to one week of unpaid carer's leave each year
- Carers can request flexible working
- Carers are protected from unfair treatment because of their link to someone with cancer (discrimination by association).

For example, if your employer refuses to promote you because they assume your caring responsibilities will interfere, this could be unlawful.



If Things Go Wrong

Sadly, not all employers get it right. If you feel you're being treated unfairly, keep a record of what's happened and when. First, try raising your concerns with your manager or HR. If it isn't resolved informally, you may wish to raise a formal grievance. The process will usually be explained in your contract or handbook.

If this still doesn't resolve matters, organisations such as ACAS and Citizens Advice can give free guidance. ACAS also runs Early Conciliation, which can help resolve disputes before going to an Employment Tribunal. Legal advice is also available if needed.

Getting Help

Finding Information & Asking for Help

When you're unsure what you're entitled to, start by looking at the following key documents:

- Your employment contract – for your basic terms and pay
- The staff handbook – company rules and policies
- The sickness absence policy – how to report absence and sick pay details
- The compassionate leave policy – rules on time off for emergencies
- Pension scheme documents – to see if ill-health retirement is available

If you can't find the answers, speak to your line manager, HR team, or trade union if you're a member. It can help to prepare some questions, such as:

- "Can you explain what sick pay I'm entitled to?"
- "Could we look at reasonable adjustments that would help me keep working?"
- "When I return, can I do a phased return to build up gradually?"

You can also ask to take someone you trust, such as a family member or union rep, into meetings with you.



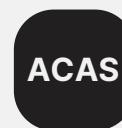
Where to Get Help



Citizens Advice

0808 223 1133

Guidance on employment rights and benefits



ACAS

0300 123 1100

Advice on work related problems and disputes



Trade Union

Support and representation, if you are a member



Charities

Check Cancer Research UK for a complete list of support available



Looking after your wellbeing

Work is important, but so is your health. It can help to:

- Talk openly with your employer about fatigue, stress, or side effects
- Ask if your workplace has an Employee Assistance Programme (EAP) for confidential counselling or support
- Seek help early if work is affecting your mental health as well as your physical health