



Emma B: What are my rights at work during the pandemic?

[music]

Hello, I'm Emma B. Welcome to our coronavirus series of *Talking Cancer*, a podcast from Macmillan and Boots where I talk to experts to get the answers to the questions Macmillan is hearing the most.

Today we've got Liz Egan joining us again and you might remember Liz from Series 1. She's Macmillan's working cancer expert and will help to answer some of the questions coming through to Macmillan Support line. Questions like what your rights are at work if you're living with cancer during coronavirus.

Liz Egan: Your employer needs to think creatively and you can think as an employee creatively about what sort of changes could be made to allow you to stay at work.

Emma: To what to expect after the job retention scheme ends.

Liz: Employers, they should talk to staff about plans and furlough as early as possible and they need to encourage staff to raise any concerns they have.

Emma: We'll also hear some top tips from Richard.

Richard: Get in touch with your manager. Speak to him about how you think you can do your role in a slightly different way.

Emma: We're Macmillan and we're Talking Cancer.

[music]

Liz, welcome back. It's so lovely to see you again. As in the other episodes we've recorded, I'm going to timestamp this. We're recording it on the 9th of October 2020 and all the information we talk about is correct as of today.

Now, Liz, we've spoken before about your rights at work if you're diagnosed with cancer and for anyone who would like to hear more about this, it's really brilliant. I would really recommend going back to Series 1 and listening to our Work and Cancer episode. Liz, what's changed apart from everything for people living with cancer, now that coronavirus is in the picture?

Liz: Well, yes, absolutely everything has changed, Emma. As we know, anybody who has a weakened immune system is at risk of being more seriously ill if they got coronavirus and some people with cancer may be at a higher risk of coronavirus as a result. When you have cancer and you're also coping with that and coping with work, that can be really difficult and can be even more worrying for people. Yes, people's lives have changed very significantly because of the coronavirus.

Emma: It's a super stressful time, isn't it? It must be really hard for people who were at one time told to shield or that they were more vulnerable because they were having treatment and then to have to go back to work if they're employees, say, "Well, we're back open for business now." Do people have to go back? Are people obliged to go back to work if they don't feel safe to do so or do they have choices to keep working from home?

Liz: Well, I suppose the first thing to say is that the government updated its guidance on shielding in August of this year, which means shielding has now been paused. That means in practice, you can go to work if you cannot work from home as long as the business is what they call COVID safe. Now, it's important to note that this guidance is advisory. What I would suggest, the first step really is you should just, first of all, have a discussion with your employer and agree your plan for returning to work. Now, where you work is a question mark.

As I've said in the previous series, under the Equality Act, which applies in England, Scotland, and Wales, and the Disability Discrimination Act, which applies in Northern Ireland, your employer has a legal obligation to make what we call reasonable adjustments to help you, as someone with cancer, to stay in work. That could be a variety of different things, including helping you to work from home.

I suppose what to say to people if people are not feeling safe, have that discussion with the employer, your employer, particularly with your line manager as your first point of contact, and discuss the situation. Discuss what they're doing in the business, what measures they're taking to make the workplace COVID-safe. If you're still not feeling that that's a safe environment for you, then I'd suggest you talk to your employer about alternative working arrangements if that's possible.

Emma: This is all in an ideal world with a reasonable employer and a job that you can drive to and get out of the car and get straight into the office. What about for those people who are contacting Macmillan Support Line because they're genuinely worried about returning after furlough, they might not be in such an accommodating place of work or a practically easy place of work to get to having to use public transport, for example.

Liz: What I'd say, first of all, is actually really try to understand the risk. My first suggestion is to speak to your clinical team. Now, if somebody is going through cancer treatment, then hopefully, they'll be able to talk to their consultants or their nurse specialist if they have access to one. The clinical team should be able to advise you on your health risk based on your condition and your treatment and everybody's going to be different. This is something that's important to understand.

Just because you have cancer doesn't necessarily mean that you're automatically at higher risk. It depends on your type of cancer, where you are in your treatment journey. It's important really, first of all, I think to find out the right information so you understand the health risk for you. If you don't have access to your consultant or nurse specialist, also, you could phone your GP and talk to your GP about your condition and things you need to be concerned about because, again, not everybody



will be in the same position. It's really important to, for yourself, find out what the risks are for you.

Then I would suggest that the next step then would be to go and talk to your workplace. Now, your first point of contact is always your line manager. They're the person that are responsible for you. You should talk to them about the information you get from your clinicians, your GP, about the risks that you face, and then talk to them in detail about what measures they are taking in order to protect you as a worker in that business. Now, they have a duty and an obligation to provide a safe environment for you as an employee. They need to take that very seriously.

Now, there are also other people that you could talk to in the business as well. Now, it depends very much on the size of the business and the type of the business but there will be some businesses that will have health and safety officers that you can speak to. There'll be others where you have access to what we call occupational health, which are health services that are attached to a business. You could ask for a referral to your occupational health practitioner and they should be able to then advise you and the line manager about what sort of adjustments would need to take place in order to help you to get back into the workplace.

There are some steps that you can take. I'm not saying that everything I say here is going to absolutely help every single person out there with their own scenario but I'm hopeful that it will help people to know what steps to take in order to be able to, I suppose take control of the situation for themselves so that they understand the risks and what they can do as an employee to support themselves.

Emma: I guess that taking back control thing comes back again and again and again when we talk about cancer diagnosis and arming yourself I guess with the facts as well. That's a really interesting thing that you said about making sure that you are in possession of your risk level. It's not something that's a bit amorphous for your employee. It's actually, "Here we are, this is it," and it makes life a lot easier if you go as informed as you possibly can to that conversation, it seems.

Liz: Yes, absolutely. The more you know about what you need to protect your health, the better position you'll be in to be able to have a conversation with your employer, and hopefully, your employer will be reasonable and will try and support you.

Emma: Every worker has a value and nobody wants to lose people unnecessarily. I'm sure there are lots of efforts that are being made by employers. You mentioned, reasonable adjustments, can you just pick that apart a little bit about what else that might look like apart from social distancing in an office space and hand sanitizer everywhere? What else might you be able to have a conversation about?

Liz: Well, again, just to state again, there's the Equality Act that applies in England, Scotland, and Wales, and the Disability Discrimination Act in Northern Ireland. Those pieces of legislation say that your employer must make reasonable adjustments when the workplace or work practices put you at a substantial disadvantage because



you have cancer. That is compared to other colleagues who do not have cancer. What this means in practice is that your employer needs to think creatively and you can think as an employee creatively about what sort of changes could be made to allow you to stay at work.

Now, in the context of coronavirus, these can be flexible working arrangements. For example, let's think about if you were traveling to a job but you didn't want to travel at rush hour because there will be more people on and increases your risk, then a flexible working arrangement might mean traveling later in the morning or coming back earlier in the evening or later in the evening, whatever works for you in order to be able to do your job.

There's also a very good scheme out there called Access to Work. It's a government scheme and they can pay for certain types of adjustments. It's called "Government's best-kept secret" in many ways because it's a scheme there that the employer and you as an employee can look into, to see if it can cover things like travel. You might be able to claim for maybe first-class train travel, for example, or pay for taxis to and from work if you're feeling that that will protect you and give you more security and that is a reasonable adjustment to support you to stay in your employment.

Changing work patterns, shift patterns. Providing access to things like software and equipment from home so that you'd be able to do your job from home. Giving you the computers and everything else that you might need in order to be able-- Or even access to Wi-Fi. I suppose the important thing is to remember that anything could be considered an adjustment. Anything that allows you to keep your job could be considered, but it must be reasonable. What's reasonable for one employer might not be reasonable for another employer. It depends on how big is your business, the finances, the adjustment that you're actually asking for. It's very specific to that situation that you're in.

Again, your relationship as an employee, if you have cancer, with your line manager is so important. Knowing your rights gives you again, the confidence to know what you can approach and what you could talk to your employer about. That's hugely important.

Emma.: Absolutely. I guess, as well, the reality of coronavirus and the pandemic is that not everybody will be having as positive an experience in the workplaces we would hope. If people do end up having money worries, are there places that they can turn to? What should they be doing initially?

Liz: Now, Macmillan has a range of really great services that can support people with cancer. We have a wonderful team of financial guides and they can explain lots of options available and things that you need to think about and things that you need to do. They can cover things like your budgeting and your planning, mortgages, what to do with mortgages. Maybe you need to take a mortgage break for a while. They can support you about what sort of conversations you need to have with your building society or your bank. They provide you information on your pension, for example, if you wanted to take early retirement, insurance options, issues around



financial products such as overdrafts. Also, if you have debt, on how you would manage your debt.

In the unfortunate outcome that you lose your job, we have a team of fantastic welfare advisors who offer advice on benefits and other types of support that you might be able to avail on, such as council tax breaks as well. Then we have a small team of energy advisors who can talk to you about, how do you pay your gas, your electricity, your water bills. They're a really great team as well to call. All of these services are available on the Macmillan support line, which is a free, confidential helpline that anybody can call.

Emma: I think there is some tangible rising tension as well about the Job Retention Scheme finishing at the end of October. People might be terribly worried about redundancies at this time.

Liz: Oh, absolutely. The Job Retention Scheme, as you said, or the furlough scheme as it's known, ends on the 31st of October 2020. Now, to end furlough, employers should give staff notice in writing if they're going to end the furlough scheme. There's no minimum notice period for furlough, but employers, they should talk to staff about any plans to end furlough as early as possible. They need to encourage staff to raise any concerns they have or problems around returning to work. That's hugely important.

Emma: Is there anything replacing it that's planned?

Liz: Yes, there's a new scheme called the Job Support Scheme. Now this is a scheme, it's designed to protect what they call viable jobs in businesses. There are businesses who are facing a lower demand over the winter months because of COVID. It's there to help keep their employees attached to the workforce. The scheme opens on the 1st of November and it runs for six months, so over the winter period.

What happens in that scenario is that the company will continue to pay the employee for the time worked, but the cost of the hours not worked, so the hours that they're not working, they will be split three ways; between the employer, between the government, and the employee. The government will pay up to, I think it's about a third, but to a certain cap, and the employee will obviously pay about two through wage reduction. The whole point is trying to enable the employee to keep their job. The scheme isn't as generous as the previous Job Retention Scheme, but your employer may try to take advantage of that if they're facing difficulties because of COVID over the next six months.

Emma: It's a really, really difficult time, isn't it? Where so much is uncertain and there is so much worry and concern on top of a cancer diagnosis, having such clear information from you, Liz, is an absolute godsend from that Macmillan Support Line, and all the wealth of resource that's there, so use it.

[music]



Female Speaker: Questions about cancer. Boots and Macmillan are by your side from the moment you're diagnosed, through your treatment and beyond. Our Boots Macmillan information pharmacists are on hand with specialist support from helping you make sense of your diagnosis to advice about living with cancer. You can find them in your local Boots pharmacy, or online via video appointment. Visit boots.com/macmillan for more information, subject to pharmacist availability.

Richard: 2018 I was diagnosed with kidney cancer. At the time, speaking to my boss, was very, very wary as to what would happen, especially as I'd only been employed for a month at that point. My boss was very, very helpful, kept me on the payroll, and supported me through my operation and six-week rehab before getting back to work. We then arranged for me to be able to work from home. I got in touch with Macmillan at that point and was pointed towards a grant, which enabled me to set up the desk where I'm sat at now.

During the pandemic, obviously, this all came in really, really helpful because I had to then work from home. The company had taken stock of where they were and was looking to make cutbacks. My role as general manager was identified as one of those being at risk. I ended up going on quite a downward spiral and struggled mentally. My wife spoke to my GP. My wife spoke to Macmillan and we got me the help that I needed. I've found something to focus on, a passion that I have where I think I can make my own business. Maybe that was the push that I needed to be able to do that.

The difficult element is the fear of finding another job and then saying, "Once every month, I have a telephone appointment at this time, or possibly spend a long time off sick." I still have the odd hospital visit in between everything. Macmillan's a great source for knowledge, whether it be legal, financial, and being able to maybe being an intermediary between you and your manager in being able to work out how things can work. Maybe see what the future holds and look for support.

[music]

Emma: Some fantastic tips there from Richard. Now, Liz, of course, the wider impact of the pandemic might mean the carers. We've got to remember to speak about carers as well. All loved ones are facing an impossible decision between going to work or protecting the health of those in their household. I can't imagine the stress behind that kind of decision. What rights do carers have?

Liz: Yes, Emma. There is a real issue here in terms of carers trying to juggle caring for their loved ones and trying to keep their jobs. Whether they're working full-time or part-time, that's a real challenge for them. They may be required to self-isolate, for example, in order to protect the person that they're caring for. Carers do have some rights of work, and there are important rights to remember as well. They include the right to request for flexible working, or secondly, to take time off in case of an emergency. Flexible working could include working from home. It could include, for example, compressed working hours, where you work fewer days. You compressed your hours, let's say, into three or four days and you work over fewer days.



You could do some job sharing potentially, that's an option to be considered, or you could consider working part-time on a temporary basis in order to support your loved one through a particular period of time. Also, carers are also entitled. They have a legal right to take reasonable time off to look after someone in an emergency. That involves the person that they care for. This includes coronavirus situations.

Then there are also laws out there that also protect carers. The equality legislation that I mentioned earlier also protects carers from being discriminated at work because of their connection to a disabled person. If they're being put in a situation whereby, they're, let's say, being, I don't know, prioritized for redundancy or something because of their caring responsibilities, then that's something that they would need to look into.

Obviously, if carers have any concerns in relation to that, we do have a fantastic work support service on our Macmillan Support Line, where we've got a team of advisors who help people who have been diagnosed with cancer, but also those who are caring for someone with cancer, with some guidance about their rights at work and what they might do in that situation. Then Carers UK have a wonderful website as well, which provides lots of information and support for carers. I would suggest that they would go and have a look there too.

Emma: Liz, as always, absolutely brilliant to speak to you. Thank you so much.

Liz: You're very welcome. Thank you, Emma.

[music]

Emma: For more information on the topics Liz and I have talked about in this episode, head to our website, macmillan.org.uk/talkingcancer, for resources, advice, and support. It's also where you can find out more about donating to Macmillan.

In our next episode, we've got Rosie Loftus, Macmillan's Chief Medical Officer, and Marc Donovan, Boots' Chief Pharmacist, back to talk about what practical support is out there at a time when we're being told to reduce our physical contact with others. Subscribe if you'd like to hear that and every new episode whenever it's ready. If you enjoy the series, please give us a rating or a review, it helps others to find the podcast more easily. I'm Emma B. *Talking Cancer* is a Macmillan cancer support podcast.

[music]

[00:20:54] [END OF AUDIO]