



Creating an inclusive workplace for employees facing serious illness



June is Pride Month, a celebration of diversity and LGBTQIA+ inclusion. This reminds us of the need for inclusivity at work and fostering a supportive work environment for all employees, regardless of sexual orientation, gender identity, or health status.

This article tackles a common question we are being posed:

How much contact and questioning is appropriate for employees facing serious or long-term illnesses? How do we ensure someone affected by illness isn't isolated and feels adequately supported?

What advice we would give

The advice we would give is:

No two people are alike

Every person is different, their condition is different, their treatment plan is going to be different. Discovering you have a serious illness, like cancer, and telling anyone is really hard. Each person learning they have a serious condition will deal with that news differently. Some may want to tell their boss or HR but there is no legal obligation for them to tell their condition or what time off they may need. Some may have a stroke and no warning at all. The tendency can be for an organisation to want to understand the implications on it, but if we don't listen first, this can be perceived as intrusive and unsupportive. The more humane approach is to allow our people to process their difficult news and for them to share as much or as little as they are comfortable with, on



their timescale.

Respect their privacy

It's important to remain sensitive to the person's needs and feelings. Ask how they are doing and listen – your colleague may appreciate the opportunity to talk about their feelings, fears, treatment, side effects, finances or other concerns. It's best not to ask personal questions or share about other people with cancer or their prognosis or use clichés (“don't worry”) which dismisses how the person is feeling. Ask if they need any practical help at work or consider if a small gesture to show you care (a card or flowers) is appropriate. Ask them if they are comfortable with you communicating what they have said with the HR team so that you can signpost them to the support available. As the line manager, you may need to refamiliarise yourself with the sickness policy and check what pay and services are available before you report back, but you will always have a duty of care. Be led by the employee about whether they want to tell their colleagues. Colleagues can be a great support system but equally you should talk to them one to one, in private and prepare what you are going to say as they may be concerned about the impact on their workload.

If person chooses to share the information, then you can but don't share the diagnosis or details, without the employee's clear agreement. Simply stating that the employee will be taking time off or needs flexibility of hours is sufficient. It's their personal data so ask if and what they want you to feed back to the team and be aware that over time their position may change.

Where an employee has had time off or hasn't been themselves, check in to see if there is anything they want you to be aware of. Caring and noticing someone isn't their usual self goes a long way to enabling an employee to open up about something immensely private. Hold off from the operational questions and ask open questions like how they are and what you/ the organisation can do to help. Where the employee is very distressed or in hospital, it may help to agree that you liaise with their family member.

Avoid treating the person differently

You may also be aware an employee is unwell because of the time off, you're getting sick notes or there are requests to attend medical appointments. In those cases, you will be “on notice” of their health condition. Cancer, multiple sclerosis and HIV/AIDS are automatically regarded as a disabilities and the employee remains disabled and legally protected for the rest of their lives. Other conditions may be a disability if they are sufficiently serious and long lasting. You have a duty not to treat somebody less favourably because they have a disability, or for issues “arising from” that disability like their absence or taking time off for medical appointments. This means it is important not to exclude the employee. We need to avoid assuming a condition is incurable or how long the treatment will take. Many employees who are unable to work will feel isolated so suggesting a regular communication by email, text or phone, is a way to support them and keep in touch.

The time off and medical condition does need to be ignored when it comes to deciding who is promoted or given opportunities and bonus arrangements where you need to ignore the absences. It could be entirely well meaning but the key is not to assume what hours and meetings your employee can and can't do – talk to them.

Pay and benefits

An employee facing a long period of treatment may well be concerned about the financial implications. Depending on your contracts and policies, your business is likely to continue to pay salary for a while and then reduce down to Statutory Sick Pay until the end of the 28 weeks. Many public sector businesses offer enhanced sick pay and even in a private company, the employer can pay sick pay at their discretion. An employer isn't obliged to continue to pay salary, it isn't seen as a reasonable adjustment they must make, but they should follow their policies and pay for the time worked. Many employees will also have a form of insurance as part of their



package. This usually covers payment of a percentage of their salary (typically 50 – 70%) after a sustained period of absence (usually 26 weeks). It is important to inform your insurer and check whether the company will accept the employee's claim before you get the trigger point for payment.

The employee may want to use their holiday, particularly during their phased return, but they shouldn't be obliged to do that. They may also be entitled to benefits, like Disability Living allowance, the Personal Independence Payment and Employment Support Allowance.

Adjustments and Occupational Health

It makes good sense as well as being the right thing to do, to enable your people to continue to work during their treatment if they can and to support their return to work. It means you don't have to train someone else or hire permanent replacement and you are also providing familiarity, community and structure for your people. By law, you are required to make adjustments for an employee with a disability which are reasonable given the size and resources of your business. The typical adjustments include:– visiting the employee at home, flexing working hours for medical and physiotherapy appointments, providing a space for them to do physiotherapy exercises, allocating a desk closer to a toilet, providing microbreaks, providing a laptop, a special type of chair or keyboard and providing a phased return to work. People undergoing some kinds of cancer treatment, like radiotherapy and chemotherapy, may be especially susceptible to infections, when working from home would be best. There is no time limit in law on the period for which an adjustment must be made.

It's common for a phased return to take place over 12 weeks but you can be more flexible and offer a longer return if that's more appropriate. An employee can also ask to make a permanent change to their hours, working pattern or place of work, as a flexible working request, which the organisation would need to consider and respond to within 2 months.

Be mindful that even when an employee has returned to work full time, they may not be able to undertake a heavy workload. You need to be flexible and consider re-assigning some of their workload or recruiting temporary support, to assist them to build back up gradually.

You can obtain details of the support required from the employee, their GP or Occupational Therapist or from an Occupational Health provider. You need to understand what employees' needs are and what they want and recognise that they may change over time, so keep them under review as their treatment progresses.

Support

Anyone dealing with a life threatening or terminal diagnosis will need support and many employers provide their people with access to Employee Assistance Programmes which have a variety of support programmes (e.g. counselling, information, groups). It's also important to support the line managers and People team as they provide support. As an organisation, you can take steps to provide information and ensure that your people know what resources are available for them. A key part of educating your people is to minimise the risk of isolation and claims that the employee concerned is being treated differently. The last thing you want are people making jocular (and discriminatory) comments – “at least you didn't die” – you want people to be happy in their role and as productive as they can be.

It's also important to support the carers of those with long term and serious illnesses. Carers have the legal right to take up to a week unpaid time off, per year, to care for a dependent with a long-term care need. This can occur on a short notice, for medical appointments or when other care arrangements have fallen through and is in addition to the legal right for an employee to take reasonable time off unpaid in an emergency to care for a dependent. The carer mustn't be disciplined or dismissed for taking these leaves.



For further advice, please get in touch with our [employment team](#).

Other sources of help

- CIPD, ACAS, NHS, Access to Work
- Terence Higgins Trust, Positively UK, National AIDs Trust
- Stroke Association
- Working With Cancer, MacMillan, Maggies, Cancer@Work Charter
- MS Society, MS Trust



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