

REASONABLE ADJUSTMENTS

Our guide to making changes in the workplace

Did you know that if you have or have had cancer, the law protects you from discrimination at work? Here you'll find information about your rights and what support is available specifically around reasonable adjustments. You can use this information to help you talk to your employer about returning to or staying in work after cancer.

If you have cancer and are in paid employment, your employer should try to help and support you. Where reasonable they should make changes to let you do your job before, during and after your cancer treatment. These changes are known as 'reasonable adjustments'.

Legislation protects you from being treated unfairly at work because of cancer. If you live in England, Scotland and Wales the Equality Act 2010 protects you.

The Disability Discrimination Act 1995 (DDA) and its extension, the Disability Discrimination Order of 2006, protect you if you live in Northern Ireland.

The Equality Act and the DDA don't just protect employees. They also protect job applicants and people who are self-employed. And this protection doesn't end when your cancer treatment finishes. A person who has been

diagnosed with cancer continues to be covered by this legislation for the rest of their working life. This protection applies even if treatment is no longer needed and/or you move to another employer.

The Equality Act and the DDA cover the recruitment process; terms and conditions of employment; opportunities for promotion, transfer, training and benefits; dismissal; unfair treatment compared to other workers; harassment and victimisation.

What are reasonable adjustments?

Both the Equality Act and the DDA require your employer to make reasonable adjustments to your workplace and their working practices. They are required to do this when the workplace or their working practices mean you are at a substantial disadvantage because of your cancer, compared with those who don't have cancer.

There is no fixed description of what a reasonable adjustment is. But it will depend on things such as:


- How much the adjustment costs
- How much the adjustment will benefit you
- How practical it is to make the adjustment
- Whether making the adjustment will affect your employer's business, service or financial situation.

Your employer does not have to make a reasonable adjustment unless it knows (or should reasonably know) that you have cancer or have had cancer.

Some examples of a reasonable adjustment can include:

- Giving you time off to go to medical appointments or for rehabilitation
- Changing your job description to remove tasks that cause problems or (temporarily) allocating some of your work to a colleague
- Allowing you to work more flexible hours
- Giving you extra breaks if you feel very tired
- Letting you do just light duties for a temporary period
- Changing your performance targets to take into account the effect of any sick leave or treatment side effects, such as fatigue
- Moving you to a role with more suitable duties (with your agreement)
- Changing where you work, for example, moving you to a ground floor office if breathlessness makes it difficult to climb stairs
- Making sure you can access your work building if you use mobility equipment, such as a wheelchair or crutches
- Giving you computer equipment that might help, such as voice-activated software if you can't type
- Letting you work from home
- Providing a disabled toilet
- Allowing you to return gradually after a long period of time off work. (This is known as a 'phased return'.)

What is considered reasonable for an employee in one role or workplace may not be considered reasonable for another. It depends on your circumstances and your employer's circumstances. So it's important to think carefully about what specific support would be most helpful to you. You can seek advice from the sources listed below to help you come up with suggestions. You can then discuss the ideas with your employer. You should be fully consulted and involved in the adjustment process at every stage. It is usually in the interests of the employer, as well as the employee, to work together to make adjustments which will allow you to continue working.



'Instead of teaching whole classes of children I did mainly administrative tasks that didn't involve standing up for an hour'

Julia, French and German teacher, who was diagnosed with womb and ovarian cancer.

What you can do for yourself

- Find out about relevant company policies from your employer or your human resources department. Look at the employee handbook if you have one.
- Know your legal rights. Speak to one of the organisations suggested below or, if you're a union member, contact your union.
- Go to your employer with suggestions and solutions. This will demonstrate your commitment to your job.
- You can suggest working from home, flexible hours, changing your role or job description, adjusting targets or objectives, changing to lighter duties, or a combination of these.
- If you go back to work after long-term sick leave, you could suggest a phased return. This is when you increase your hours gradually over a period of time.
- It may help your employer to have medical advice on the support you need. Your GP can provide this in a fit note or your employer may be able to refer you to an occupational health service.
- If adjustments are needed at your workplace, the Access to Work scheme might be able to provide help. Visit [gov.uk/access-to-work](https://www.gov.uk/access-to-work). In Northern Ireland, you can find out more about Access to Work (NI) at your local Jobs and Benefits Office. Access to Work can provide grants for equipment and can sometimes help with the cost of taxis to work.

Useful Organisations

ACAS

ACAS (Advisory, Conciliation and Arbitration Service) provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law.

www.acas.org.uk/index.aspx?articleid=1859
0300 123 1100

Citizens Advice

Citizens Advice is a charity that helps people resolve their money, legal and other problems by providing information and advice. www.citizensadvice.org.uk

Contact details vary based on location.

Visit the website to find your local contact.

Equality Advisory and Support Service

Advises and assists individuals on issues relating to equality and human rights, across England, Scotland and Wales.

www.equalityadvisoryservice.com/app/ask
0808 800 0082

TUC (WorkSmart)

WorkSmart is the employment advice website of the TUC (Trade Union Congress).

www.worksmart.org.uk

Access to Work

An Access to Work grant can pay for practical support if you have a disability, health or mental health condition to help you start working, stay in work or move into self-employment or start a business.

www.gov.uk/access-to-work

Fit For Work

Fit for Work is a Government-funded initiative designed to support people in work with health conditions and help with sickness absence.

www.fitforwork.org

Advice line **0800 032 6235**

www.fitforworkscotland.scot

Scotland **0800 019 2211**

In Northern Ireland, the following organisations may be able to offer information and/or assistance:

Department of Education and Learning Northern Ireland
Information on employment rights.

www.delni.gov.uk/index/er.htm

Equality Commission for NI

Discrimination advice officers can give guidance to individuals.

www.equalityni.org

028 90 500 600

Labour Relations Agency (LRA) NI

LRA offers pre-claim conciliation and free, confidential and impartial advice on all employment issues.

www.nidirect.gov.uk/labour-relations-agency

028 90 321 442

Citizens Advice Northern Ireland

Citizens Advice in Northern Ireland is a charity offering information and advice across a wide range of categories, including benefits and debt, consumer, employment and housing issues.

www.citizensadvice.co.uk

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