

Cancer

Research has shown that most employers do not discriminate against employees who are diagnosed with cancer and are having treatment.

However, it is reassuring to know that in those few cases where discrimination does occur, the law is firmly on your side.

In fact, the Equality Act protects you if you have, or have ever had cancer.

Even if you have been successfully treated for cancer and are now considered 'cured', you are still covered by the act, which means your employer must not discriminate against you for a reason relating to your past illness.

Furthermore, your employer has a duty to make reasonable adjustments to your place of work and working practices to ensure that you aren't at a disadvantage when compared to others.

Adjustments could include:

- allowing you time off to attend medical appointments
- removing tasks that cause particular difficulty from your job description
 - allowing you flexibility in working hours
 - allowing you extra breaks to help with fatigue
 - adjusting performance targets
- moving you to a post with more suitable duties if you agree
 - moving your workstation to make it more accessible
- ensuring suitable access to premises for employees using wheelchairs/crutches, etc
 - allowing working from home
- allowing a phased return to work after extended sick leave

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If your employer doesn't take your situation into account, discrimination can occur. A few examples of the types of things that would be considered as discrimination in these circumstances are set out below:

- Not making reasonable changes as above
- Dismissing or demoting you for a reason relating to your cancer
- Passing you over for promotion in favour of someone with less experience or ability to do the job
- Selecting you for redundancy for a reason related to your cancer (e.g. the amount of sick leave taken)
 - Not allowing you time off for medical appointments
- Giving you an unfavourable appraisal or performance review (e.g. if you haven't met targets or objectives as a result of illness or absence)
 - Disrupting your entitlement to sick pay
- Making life difficult so that you feel you can't stay in your job (this could include harassment and victimisation e.g. because of hair loss).

Making a claim

There is no minimum length of employment required to bring a claim at the Employment Tribunal, but it is important to lodge your claim within 3 months of the act of discrimination occurring. It is therefore essential that you take legal advice on your situation at an early stage and as soon as possible.

Contact Ashley Hunt & Carrie-Ann Randall on 01858 445 480 or Vaishali Thakerar & Alex Reid on 0116 212 1000 if you have been discriminated against because of a cancer condition.