
REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	2 NOVEMBER 2017	CATEGORY: RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	FRANK MCARDLE 01283 595700 frank.mcardle@south-derbys.gov.uk	DOC:
SUBJECT:	DYING TO WORK CHARTER	REF: FM/DC
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: FM05

1.0 Recommendations

1.1 That the Council supports the TUC's Dying to Work Campaign and formally signs up to the Charter.

2.0 Purpose of Report

2.1 To recommend that the Council continues to support and help terminally ill employees by agreeing to sign up to a voluntary charter that has been launched by the Trades Unions as part of the campaign called 'Dying to Work'.

3.0 Detail

3.1 The TUC have launched a national campaign to encourage organisations to commit to supporting and helping terminally ill workers by agreeing to sign up to a voluntary charter. The campaign is called 'Dying to Work.'

3.2 The campaign enables organisations to 'sign up' to support workers who are diagnosed with terminal illnesses and is part of a wider TUC campaign which is seeking to change the law to secure terminally ill workers a 'protected period' where they cannot be dismissed as a result of their condition.

3.3 A terminal illness is a disease that cannot be cured or adequately treated and there is a reasonable expectation that the patient will die within a relatively short period of time. Usually, but not always, they are progressive diseases such as cancer or advanced heart disease.

3.4 UK Social Security legislation defines a terminal illness as: "a progressive disease where death as a consequence of that disease can reasonably be

expected within 6 months”, however many patients can have a terminal illness and survive much longer than 6 months.

3.5 Current employment legislation, contained within the Equality Act 2010, protects people from discrimination in the workplace and specifies nine characteristics that are protected. Currently it is unlawful to discriminate against people on the grounds of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation.

3.6 The Dying to Work charter includes the following commitments from employers:

- We recognize that terminal illness requires support and understanding and not additional and avoidable stress and worry.
- Terminally ill workers will be secure in the knowledge that we will support them following their diagnosis and we recognize that, safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.
- We will provide our employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity and without undue financial loss.
- We support the TUC’s Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.

3.7 The Council has a long history of supporting employees diagnosed with terminal illness. Recently the Chief Executive used the discretion enabled under the sick pay scheme to continue payments to 2 employees that had been diagnosed with a terminal illness. This approach and the support provided by different Officers to these 2 employees was formally recognized by the Trade Unions at a recent meeting of the Joint Negotiating Group. The Trade Unions asked that the following be entered in to the minutes;

‘the members of management and HR undertook their duties within the (Attendance Management) policy, however the way they carried them out was professional, and in a sympathetic manner showing empathy to the member throughout these meetings. The compassion shown during the meetings was exemplary and they were conducted with sensitivity, care, understanding, and tenderness’.

3.8 Once an employee has been given a terminal diagnosis Human Resources, Occupational Health and management work with the employee to see what support can be provided. This could include implementing reasonable adjustments to support the employee to remain at work for as long as possible, flexibility in working arrangements and discussing with the employee whether they want to seek ill health retirement or if they wish to remain in employment

- 3.9 It is proposed that in order to formalise the Council's position on managing employees with a terminal illness, the Council agrees to support the campaign by signing the Dying to Work Charter.

4.0 Employment implications

- 4.1 The Equality Act 2010 sets out the characteristics that are protected by law. These are currently age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The Equality Act does not currently recognise terminal illness itself as a protected characteristic. However, the definition of disability within the act is: a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer. In these circumstances, other terminal illnesses may be argued as a disability depending on circumstances.
- 4.2 As noted in the Report, the Council has been proactive and supportive when informed that an employee has a terminal illness. Signing up to the Charter will continue this approach as well as making it clear to the workforce and their families that support, help and advice will be given should an employee be placed in to this most difficult position.
- 4.3 The Trade Unions have been consulted over this matter at recent meeting of the Joint Negotiating Group and are supportive of the Council signing up to the Charter.

5.0 Financial Implications

- 5.1 There are no direct financial implications from signing up to the Dying to Work Charter.

6.0 Corporate Implications

- 6.1 Through adopting the Dying to Work Charter the Council is taking active steps as an employer to help ensure that terminally ill employees receive appropriate employment protection. Supporting the TUC Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and their death in service benefits protected will benefit employees.

7.0 Community Implications

- 7.1 As a major employer in the District, the Council has a responsibility to adopt employment practices that are fair, supportive and sets standards for other to follow. Research from the TUC has shown that whilst many employers proactively support employees with a terminal illness that others may be less unsympathetic or put up barriers to prevent the employee remaining at work.

This Campaign is about enabling a change in the employment legislation to afford protection to employees with a terminal illness.

8.0 Background Papers

- 8.1 Additional information on the Campaign and a list of organizations that have signed up to the Charter can be found at www.dyingtowork.co.uk