

An Irish Congress of Trade Unions Guide

---

# Policies to assist workers with breast cancer and other illnesses

---





# Introduction

In Ireland more than seven women a day are diagnosed with breast cancer. This condition also affects men but to a much lesser degree.

Trade unions have been to the forefront in campaigning for access to effective screening, detection and treatment of breast cancer. This work is now bearing fruit.

Thankfully modern medical treatments result in employees now returning to work following and, on some occasions, during treatment and recovery for this condition.

This guide aims to provide assistance to unions who are representing members diagnosed with breast cancer and returning to work following this diagnosis and treatment. Many of the recommendations would also apply in respect of other forms of cancer and illnesses.

The guide sets out key stages in the process covering topics such as informing colleagues, negotiating a 'TIME OFF WORK PLAN' and what to bear in mind when returning to work.

Being diagnosed with breast cancer is a traumatic and emotional event in a person's life. It can cause fear and worry and can affect every aspect of a person's life, including their working life. Breast cancer and its treatment will be a challenge, and each person will have a different experience. The positive developments are that most people do get through it and return to a normal life.

We hope this guide will be of assistance, but remember that it is just a guide and not legal advice. If you do have queries, please consult your union. We are always interested in feedback, especially from unions and their members.

**David Begg, General Secretary  
Irish Congress of Trade Unions**



## Talking to members who have been diagnosed with breast cancer

As a trade union representative you will already be aware that people have different communication styles. Some people want to talk in detail while others say little. You will want to help, but it can be hard to know what to say. Many of us feel awkward talking about breast cancer. Here are some points you could ask about:

**How they are feeling, emotionally and physically?**

**Have they told their employer or colleagues and what reaction did they get?**

**Have they any specific work related concerns?**

**Do they know what time off they might need for medical appointments and treatment?**

Early on it is important to clarify how the union will help, the policies and procedures that the union has previously negotiated and then agree next steps.

---

## Letting colleagues know

---

Everyone has a right to have their privacy respected and information about their illness must be treated confidentially. The decision about how much information and when to share this with their colleagues rests with the employee.

**Most colleagues will be supportive especially when they know what is happening.**

If the worker wants her colleagues to be informed about the nature of her illness, it should be agreed with the employer whether the worker will break the news or if someone else should do it. If it's the latter, be clear whether the member wants to be present, and be clear about how much information is to be shared and what should remain confidential. Communications should use positive language, and be framed in terms of expecting the employee to recover and return to work. Expect colleagues to ask some questions. However if they seem to be asking too many questions, let them know that you appreciate their concern, but that you'd like to focus on work related questions.

---

## Time off for treatment

---

Inevitably, workers who are diagnosed with breast cancer will need to take some time off from work for treatment or check-ups and agreeing this with the employer will be among the workers' most pressing needs. Help from the union to negotiate the necessary time off can make all the difference, especially if the employer isn't very supportive or understanding.

**A TIME OFF WORK PLAN** can be agreed as a way to constructively discuss the best way forward for the individual and the organisation. It can be a complex area as every person's situation is unique and some employers will be more supportive than others. Likewise the way in which the workplace sick pay scheme operates and it's interaction with social welfare benefits will also be a factor affecting the number of options available.

The aim of the Plan is to establish the worker's position and determine what support will be offered. Importantly the TIME OFF WORK PLAN should aim to minimise the financial impact of taking time off.

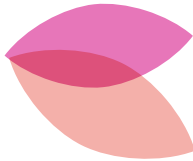
## The core elements of the Plan should set out:



Information on the organisation's Sick Leave Policy

Entitlement to payment during sick leave for this purpose

Information on relevant in-house benefits negotiated by the union such as long-term illness cover, income continuance or private health insurance



Information on the Department of Social Protection's sickness benefit

The impact of time off on the employees pension or other benefits



Reasonable accommodations to support the employee working during treatment, recovery and return to work

Permission to take occasional absences (including paid time off) for certain medical appointments

What medical certificates will be required and when and who should these be sent to

Expected time off – for receiving treatment and recovery (treatments can include surgery, radiotherapy, chemotherapy, other drug treatments and counselling)



Will time off be available for complementary therapies?

**Remember, cancer is not predictable, so it is important that the Plan is flexible and allows for changes.**

***As the provisions covering sick leave schemes will vary between workplaces and sectors, it is not possible to be definitive, in this guide, on what options people have when sick leave runs out. In this instance, it is always best to consult with your union.***

---

## Working during treatment and recovery

---

It can be difficult to predict the impact of various treatments at the outset and it is important that the employer does not make assumptions about the worker's abilities. One of the aims of the TIME OFF WORK PLAN should be to set out the potential ways for the employee to combine work with treatment and recovery. Flexible working arrangements can be a key support allowing the worker to have greater choice about when they will take their sick leave. Knowing that flexible arrangements are available can give the worker confidence and facilitate an early return to work. These might include:

**Flexible working hours:** this allows the employee to work when they feel strongest and have the most energy, while avoiding work when treatments are causing fatigue, illness or discomfort. Flexible hours can also help employees to avoid the strains of peak travelling times.

**Lighter work:** this allows the employee to transfer to less physically demanding or less stressful work.

**Home working/Teleworking** has many of the same benefits as flexible hours. It allows the worker to conserve her energy. But make sure that home working is realistic from the worker's point of view and that she is provided with the required facilities and equipment to do the job. It's also important to make sure that everyone is clear about the monitoring of work and that performance targets are adjusted temporarily so they remain realistic. Ensure that the worker is provided with opportunities to stay in touch with colleagues and not become isolated.

For some workers communication during sick leave will be desired by the employee, for example updates on key projects. Agree how much and also their preferred means of communicating with them.

The aim of the TIME OFF WORK PLAN should be to provide choices and information on the options available to support the worker during her treatment, recovery and return to work. Opportunities to combine work with treatment and recovery should be available but it's important that no pressure is put on the worker to come into work if she/he is unwell.

It is also important to bear in mind that some options will be restricted by the operation of social welfare benefits. For example, employees may in certain circumstances break their Illness Benefit for periods of up to three days and return straight onto their Illness Benefit, this is called 'linking' but where an employee breaks their sick leave for longer periods and returns to work they must have a minimum of 13 reckonable PRSI contributions paid before they will requalify for illness benefit. Also an employee cannot work while in receipt of illness benefit

from social welfare. However some options become available when an employee has been in receipt of illness benefit for longer than 6 months. Application can be made for Partial Capacity Benefit, this allows the employee to return to work (if they have a reduced capacity) and continue to receive a social welfare payment. The Department of Social Protection assess each person individually and it is important that no changes are made before contacting the Department of Social Welfare for information including getting written approval from the Partial Capacity Benefit Section, Department of Social Protection, Floor 2, Aras Mhic Dhiarmada.

**Reasonable Accommodation:** The Employment Equality Acts 1998-2011 require employers to take reasonable steps to accommodate the needs of employees with illness and disabilities, breast cancer, included. The law requires employers to make 'reasonable accommodation' and this might be some modification to the way work is organised such as the tasks or structure of a job or workplace and working time arrangements.

---

## Protection from discrimination

---

Sometimes, because of misconceptions about cancer, people who've been treated for cancer may be treated differently at work. When a person is diagnosed with cancer they automatically fall into the protected ground of 'disability' for the purposes of the Employment Equality Acts 1998-2011. This protection from discrimination continues even when there is no longer any evidence of the cancer. So in circumstances where the cancer has been successfully treated, employees continue to be protected against discrimination arising from the fact of their breast cancer. Sometimes incorrect assumptions are made, often with the best of intentions, about what will be best for the employee who has breast cancer. It is essential that no changes are made without the agreement of the worker.

The Act covers all aspects of the employment relationship including when applying for future jobs. Any less favourable treatment arising from the breast cancer, for example being passed over for promotion, receiving less favourable terms and conditions, being selected for redundancy or not being given the same chances as other workers are all prohibited.

The aim of placing this issue on the agenda when discussing the policy is to raise awareness of the potential for discrimination. It can give confidence if the policy confirms that the employee will not be discriminated against because of their condition.

Grievances or complaints can be made in the usual way and in accordance with the Statutory Code of Practice on Grievance and Disciplinary Procedures (SI 146) or by a Complaint to the Equality Tribunal/Workplace Relations Service.



---

## Return to work

---

It's a good idea to schedule a conversation with the employee at least a couple of weeks before the employee plans to return to work. This will give enough time to discuss and identify any adjustments that the employee needs to be able to return to work. It will also give you enough time to request a meeting to negotiate these with the employer. It's important that the employer involves the employee and her union in a genuine dialogue and a joint decision-making process about any reasonable accommodation requests. Every person with breast cancer is different and employers should not make assumptions about fitness or about what reasonable adjustments will or won't be needed.

Ask the employer to arrange a smooth return, and avoid situations where your member comes back to a mountain of work. Also check that the employer has told the worker's colleagues that she is returning.

Workplace reps should agree with the employer facilities to meet with the employee on her first day to check for any concerns she may have. Failing that, make sure you phone them. Once the employee has been re-established in the workplace, they should feel free to consult with their union if at a later date other issues arise that are relevant to their illness.

---

## Employee Retention Strategy

---

The Department of Social Protection provides an Employee Retention Grant Scheme to provide support for employers to retain an employee (working at any level within the organisation) who has acquired an illness, condition or impairment that affects their ability to carry out their job. The scheme is open to every company in the private sector. Any existing employee (working at any level in the organisation) who acquires an illness, condition or disability that affects his or her job is covered under this scheme.

The scheme is open to every company in the private sector. Public sector employers are obliged to ensure they put these arrangements in place all of these arrangements.

---

## Funding under this scheme is made available in 2 stages

---

### Stage 1

Assists employers to hire expert skills from outside the company to develop a written individual retention strategy. The retention strategy could set out steps needed to accommodate and, if necessary, train the employee to remain in her role. Alternatively, the retention strategy could outline where the employee could be re-deployed in the company and the accommodation/re-training needed to do this.

### Stage 2

Provides funding to the employer towards the implementation of the written retention strategy. This will include grant aid towards re-training, job coaching and/or hiring an external co-ordinator to oversee the way the individual retention strategy is implemented.

There are various rules governing the scheme such as how much funding can be provided. General information is available from the Department of Social Welfare.

---

## Sample Policy Statement

---

This enterprise/organisation will do all that it can to support employees, who are diagnosed with breast cancer. Central to our support is agreeing with employees, and their union representative, a TIME OFF WORK PLAN tailored to meet the needs of the employee and the business.

Employees should, as far as possible, provide adequate notice of their medical appointments and leave.

We will work with the employee to ensure that time off and sick leave arrangements can be arranged in a way that minimise any financial hardship to the employee.

Reasonable accommodation measures including flexible work and rest arrangements are available so that employees can work during their treatment and recovery, if they decide to.

Public holidays and annual leave entitlements as set out in the staff handbook and contracts of employment are not affected by time on sick leave.

This organisation will respect employees' privacy and confidentiality and this organisation will ensure that employees who have had breast cancer are treated equally and are not discriminated against.

---

## Commitment to Prevention & Risk Assessment

---

Effective surveillance for occupational cancer risk in women has been relatively lacking but studies increasingly show a strong link between breast cancer and exposure to certain work related substances and to prolonged periods on night work.

The Congress Health & Safety Committee is committed to promoting a culture of prevention in respect of all forms of occupational cancer. Union led workplace safety committees play an essential role in identifying risks and in promoting changes to remove risks and prevent occupational breast cancer. Key priorities include, replacement of carcinogenic substances by less dangerous ones, medical surveillance, recording of data concerning exposure and exposed workers.

---

## Workplace Breast Health Promotion & Assessment Programmes

---

Unions are ideally placed to promote initiatives at the workplace aimed at promoting employee health. Examples include offering employees a free, straightforward clinical assessment, a breast health discussion with a clinical physician and mammograms for those under 50. Other workplace programmes to support employees to give up smoking, exercise and diet can play a role too.



---

## Useful Resources/ Links

---

**Health and Safety Authority** [www.hsa.ie](http://www.hsa.ie)

**The Institution of Occupational Safety & Health (IOSH)** [www.iosh.co.uk/irelandbranch](http://www.iosh.co.uk/irelandbranch)

**Equality Authority** [www.equality.ie](http://www.equality.ie)

**Department Social Protection** [www.welfare.ie](http://www.welfare.ie)

**Equality Tribunal** [www.workplacerelations.ie](http://www.workplacerelations.ie)

**Workplace Relations Service** [www.workplacerelations.ie](http://www.workplacerelations.ie)

**Irish Cancer Society** [www.cancer.ie](http://www.cancer.ie)

31/32 Parnell Square  
Dublin 1  
Ireland

**Phone** +353 1 8897777  
**Fax** +353 1 8872012  
**E-mail** [congress@ictu.ie](mailto:congress@ictu.ie)  
[www.ictu.ie](http://www.ictu.ie)

Carlin House  
4 – 6 Donegall Street Place  
Belfast BT1 2FN  
Northern Ireland

**Phone** +02890 247940  
**Fax** +02890 246898  
**E-mail** [info@ictuni.org](mailto:info@ictuni.org)  
[www.ictuni.org](http://www.ictuni.org)

