

## EMPLOYMENT AND APPEALS COMMITTEE

6 February 2018

### "DYING TO WORK" CHARTER

#### Report of the Director for Resources

Strategic Aim:	Sound Financial and Workforce Planning	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Portfolio Holder for Growth, Trading Services and Resources (excluding Finance)	
Contact Officer(s):	Debbie Mogg, Director for Resources	01572 758358 dmogg@rutland.gov.uk
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Ward Councillors		

#### DECISION RECOMMENDATIONS

That Employment and Appeals Committee:

1. Give their commitment to the Council signing the voluntary "Dying to Work" Charter
2. To approve the amendment to the Sickness Absence Policy as identified in paragraph 4.3

#### 1 PURPOSE OF THE REPORT

- 1.1 To advise the Committee of the TUC's campaign for terminal illness to be recognised as a 'protected characteristic' so that an employee with a terminal illness can enjoy a 'protected period' where they cannot be dismissed as a result of their condition.
- 1.2 To seek the Committee's support to the Council signing up to the "Dying to Work" Charter.

## **2 WHAT IS THE “DYING TO WORK” CAMPAIGN?**

- 2.1 It was developed by the TUC to seek greater security for terminally-ill workers - it began following the case of Jacci Woodcock, a 59-year-old sales manager from Derbyshire, who was ‘forced out of her job’ after being diagnosed with terminal breast cancer. *See her story – Appendix 1.*
- 2.2 Over half a million workers are now covered by the TUC’s Dying to Work Charter from private and public sector employers. In the region – Leicestershire County Council, Leicester City, Nottinghamshire County, Nottingham City, City of Lincoln have all committed their support.
- 2.3 Whilst the Equality Act offers some protection for terminally ill employees, the act still allows employers to dismiss a terminally ill employee.
- 2.4 The Dying to Work campaign would like to see terminal illness recognised as a ‘protected characteristic’, ie. like pregnancy where it is already automatically unfair to dismiss someone because they are pregnant. It is possible we will see legislative changes in this area. Such protection would give every person battling terminal conditions the choice of how to spend their final months and the peace of mind to know their job was protected and the future financial security of their family was guaranteed.
- *NB. ‘Protected Characteristics’ as provided by the Equality Act, include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity.*

## **3 WHAT DOES THE CHARTER CONTAIN?**

- 3.1 The following is the wording contained within the Charter

“We recognise 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 recognise 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”.

## **4 WHAT WOULD THIS MEAN FOR RUTLAND?**

- 4.1 From Rutland’s perspective – we can feel confident that we treat staff (and their families) with terminal prognosis, with dignity and without applying any further undue pressure regarding employment/finances eg. named HR support, adjustments to enable the employee to remain at work for as long as possible, flexibility in working arrangements.

4.2 As the campaign focuses on terminally ill employees being dismissed as a result of their condition, other policies and practices (eg. restructure/redundancy), appear to be outside of the scope of the Charter as the procedure would not be as a result of the employee's condition.

4.3 We need to

- Include a statement in our sickness policy that we will not dismiss any employee with a terminal diagnosis because of their condition
- Provide training for managers and HR staff on dealing with terminal illness, including how to discuss future plans with any worker who has a diagnosis of a terminal illness, and on what adaptations to work arrangements that may be necessary
- Adopt the Dying to Work Charter and notify employees that we have made the commitment
- Inform Unison as our recognised Trade Union, and the TUC

*(The Council already has an Employee Assistant Programme and is able to provide support to employees (and their families) with a terminal illness, including counselling and financial advice. We also use our Occupational Health provider for advice and assistance with medical advice/opinion and guidance on adjustments).*

4.4 We have a public signing ceremony and further press releases/media coverage.

4.5 We can then use the logo and display the Charter across our documentation as appropriate.

## **5 CONSULTATION**

5.1 No formal consultation is required on this issue. The Council has shared the proposal with Unison.

## **6 ALTERNATIVE OPTIONS**

6.1 Not applicable

## **7 FINANCIAL IMPLICATIONS**

7.1 No financial implications.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

8.1 No Legal and Governance issues.

## **9 EQUALITY IMPACT ASSESSMENT**

9.1 This approach would be in line with the Council's Equality Statement.

## **10 COMMUNITY SAFETY IMPLICATIONS**

10.1 There are no Community Safety implications arising from this report.

## **11 HEALTH AND WELLBEING IMPLICATIONS**

- 11.1 The Council has an overall duty of care to its employees which means taking all steps which are reasonably possible to ensure their health, safety and wellbeing.

## **12 ORGANISATIONAL IMPLICATIONS**

- 12.1 No organisational implications. Briefings and training will be required for HR staff and line managers as outlined in para 4.3.

## **13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 13.1 Once approved by Employment and Appeals Committee, the Council will advise all staff and Members of our intent to sign up to the Charter.

- 13.2 We will then liaise with the TUC regarding the signing ceremony and media coverage.

## **14 BACKGROUND PAPERS**

- 14.1 There are no additional background papers to the report.

## **15 APPENDICES**

Appendix 1 - Jacci Woodcock's Story

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**