

Derbyshire County Council

Cabinet

14 September 2017

Dying to Work Charter

**Report of the Strategic Director Corporate Resources
(Council Services)**

1 Purpose

For Cabinet to consider adoption of the Dying to Work Charter.

2 Information

In 2016, the TUC launched a 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.'

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. The Leader of the Council recently met Pauline Latham MP and, Dying to Work Campaign representative, Jacci Woodcock, to discuss the campaign and adoption of the Charter by the Council.

Current 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.

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

- 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.

The Council has a long history of supporting employees diagnosed with terminal illness, but has never, previously, backed up this stance by having a formal Council resolution on this matter. Once an employee has been given a terminal diagnosis HR, 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

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.

In the last year (1 July 2016 to 30 June 2017) 20 employees have died whilst in service. Clearly, the causes of their deaths will have varied, but this total will have included a number of employees who died as a result of having a terminal illness.

3 Financial Considerations

There are no additional financial resource implications arising from the content of this report.

4 HR Considerations

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.

The Trade Unions will be consulted on implementation of the Dying to Work Charter.

Adoption of the Charter will be communicated to employees.

5 Social Value Considerations

By adopting the Dying to Work Charter the Council is taking active steps as a major employer in Derbyshire 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 in Derbyshire.

6 Other Considerations

In preparing this report the relevance of the following factors has been considered: legal, equality and diversity, health, environmental, transport, property and the prevention of crime and disorder considerations.

7 Key Decision

No

8 Is it necessary to waive the Call-In Period?

No

9 Officer Recommendation

That the Dying to Work Campaign be supported and the Council sign up to the Charter.

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