

# Employment charter: for people with a brain tumour

This charter is based on relevant laws and statutory guidance in **England, Scotland, Wales and Northern Ireland** which protect the rights of people with a disability\* to:

- Equal treatment at work
- Equal treatment when job hunting
- Not be discriminated against

This charter will guide you on the rights that people have when at work or seeking work, whether you are an employee or an employer.

It can also be used by people who are caring for someone with a brain tumour.

If you have a brain tumour (low or high grade), it is likely that in the eyes of the law you are considered to have a disability, even though you may not see yourself that way.

Some specified medical conditions, including cancer (high grade brain tumours) are automatically considered as disabilities, regardless of their effect.

You do not have to tell your employer, or prospective employer, that you have or had a brain tumour, or are caring for someone with a brain tumour, unless it is likely to affect your work or it poses a risk to yourself or others whilst you are at work.

(However, you should think carefully before you decide. It may not be in your best interests to decide not to. They may not be able to support you in the best way to continue to do your job. Also, if you are treated unfavourably, you may find it hard to make a formal complaint, as they are unaware of your condition. See the *Telling my employer* sheet.)

Some specified medical conditions, including cancer (high grade brain tumours) are automatically considered as disabilities, regardless of their effect.

An employer cannot discriminate against you on the grounds of disability.

In broad terms, this means you cannot be treated less favourably than others because you have a brain tumour.

If you are in paid employment, your employer should make 'reasonable adjustments' to help and support you (assuming they know you have/had a brain tumour).

(There is no fixed definition of what a 'reasonable adjustment' is – it depends on how practical it is, how much benefit you will get, how much disruption to the employer's activities it causes, and cost. See the *Employment adjustments (example)* sheet for more information.)

You should be fully consulted and involved in agreeing the reasonable adjustments.

There is no limit to the number of reasonable adjustments you can ask for, nor how often you can ask for them.

Your employer cannot ask you to pay for any reasonable adjustments.

If your employer does not make reasonable adjustments, when they are obliged to do so, this could be seen as disability discrimination.

(Try talking to your employer first. If you feel they aren't behaving reasonably, take advice from a union representative, if you have one. Or you can speak to ACAS (Advisory, Conciliation and Arbitration Service) in England, Scotland, or Wales or the Labour Relations Agency in Northern Ireland. See the *Employment resources* sheet.)

If you still can't resolve matters, you may want to make a formal complaint/grievance.  
(See your employer's grievance policy for how to go about this, and take further advice as above.)

If you feel your employer is not dealing with your grievance or you have been discriminated against, you can complain to an employment tribunal.  
(You should seek advice promptly (see above) if you think you might want to do this.)

You are protected from harassment.  
(When an employer or colleague bullies, intimidates or insults you because you have, or are associated with someone who has, a brain tumour.)

You are protected from victimisation.  
(If you are treated unfairly because you complained about discrimination.)

Your employer does not have an automatic right to see your medical information.

(They may ask for a report on your health from your doctor, but can only do this with your permission. You have the right to see this report before your employer does.)

Your employer must keep your personal information private.

(They cannot tell your colleagues or clients without your permission. They must keep secure any personal information, including emails and meeting notes.)

If you are caring for someone with a brain tumour, you have the right to ask for flexible working, which your employer has a duty to consider.

(e.g. to take the person you are caring for to appointments)

If you are caring for someone with a brain tumour, you have the right to take a reasonable amount of unpaid time off to look after dependants in an emergency.

\* **Disability** A physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Some specified medical conditions, including cancer (high grade brain tumours) are automatically considered as disabilities, regardless of their effect.

**Substantial adverse effect** A limitation that is more than the normal differences in ability that might exist among people. It makes it more difficult, more demanding and time consuming for the person to carry out an activity.

**Long-term** Lasting, or likely to last, for at least 12 months.

**Reasonable** There is no fixed definition of what is reasonable. For reasonable adjustments, it depends on the resources available to the company, how much it will benefit the employee, how practical it is, cost, how much it will disrupt the employer's activities and what external assistance is available.

## Relevant Legislation

### UK (as a whole)

Data Protection Act (1998)  
Health & Safety at Work Act (1974)  
Human Rights Act 1998

### England, Scotland and Wales

Equality Act 2010  
Childrens & Families Act 2014  
Employment Rights Act 1996

### Northern Ireland

Disability Discrimination Act 1995 (DDA)  
Employment Rights (Northern Ireland) Order 1996  
Employment Relations (Northern Ireland) Order 1999  
The Flexible Working Regulations NI 2015

