



# Know your legal responsibilities

(to make sure your employee is treated fairly in the workplace)

If someone has cancer (a high grade brain tumour is deemed to be cancer), the law considers them to be disabled.

If someone has a low grade tumour, it is likely that in the eyes of the law they are considered to have a disability, if the effect on their day-to-day activities is substantial enough, even though they may not seem, or see themselves, that way.

[For information about the grading of brain tumours and the definition of ‘disability’, see the *Employment charter*, which is part of these resources. [thebraintumourcharity.org/employment-support](http://thebraintumourcharity.org/employment-support)

Under the *Equality Act 2010* [in England, Scotland & Wales] and the *Disability Discrimination Act 1995 (DDA)* [in N. Ireland], being termed ‘disabled’ gives people certain protections in the workplace, or if they are applying for a job. These Acts also give some protection to people caring for someone with a brain tumour.

It is the employer’s responsibility to make sure these protections are in place.

### This includes:

- Protection from discrimination because of their ‘disability’ (e.g. from sacking them, making them redundant or passing them over for promotion or specific jobs because of their brain tumour)
- Protection from disability-related harassment (e.g. making jokes or disparaging remarks about your employee’s symptoms)
- Making ‘reasonable adjustments’ to their working practice and work environment to support them in returning to, or staying in, work.

For more information about ‘reasonable adjustments’, see our *Employment adjustments sheet*. [thebraintumourcharity.org/employment-support](http://thebraintumourcharity.org/employment-support)

### Other relevant laws include:

The *Data Protection Act (1998)*, the *Health & Safety at Work Act (1974)* and the *Human Rights Act 1998*. These give all employees certain rights to confidentiality and privacy at work.

In other words, an employer is not allowed to share any sensitive personal information about an employee without their permission. So you cannot tell any other colleagues about your employee’s brain tumour nor their treatments, unless they say you can. Nor should you discuss their health where other people could overhear or in an email that could be passed onto someone else.

The *Employment Rights Act 1996* [in England, Scotland & Wales], the *Employment Rights (Northern Ireland) Order 1996* and the *Employment Relations (Northern Ireland) Order 1999*

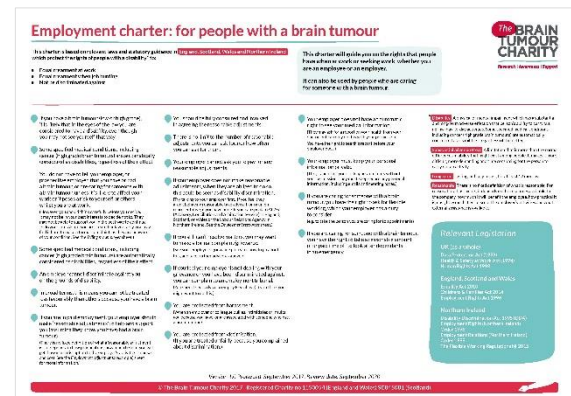
These give everyone the right to a reasonable amount of time off (unpaid) to look after dependents in an emergency.

For example, this could be the partner or parent of someone who has just been diagnosed with a brain tumour and who is having treatment immediately or with very short notice.

The *Childrens & Families Act 2014* [in England, Scotland & Wales] and *The Flexible Working Regulations NI 2015* [in N. Ireland]. These give carers the right to ask for flexible working.

You do not have to grant it, but you must treat the request reasonably and have a good reason for refusing it.

See our *Employment charter* for more information. [thebraintumourcharity.org/employment-support](http://thebraintumourcharity.org/employment-support)



# You can do a lot that isn't expensive

## Reasonable adjustments

It is important to discuss and agree any adjustments with your employee.

There are three types of 'reasonable adjustments'. These are:

1. Changes to the way things are done in the workplace
2. Physical changes to the workplace premises/environment
3. Providing extra aids or support

What is reasonable will depend on your company and what your employee does. You only need to make adjustments that stop your employee from being at a disadvantage due to their disability.

Many reasonable adjustments cost very little or nothing. For example, flexible working hours, so they avoid the rush on public transport; moving their workspace to the ground floor or nearer to a toilet.

For more suggestions, see the *Employment adjustments (example) sheet*. [thebraintumourcharity.org/employment-support](http://thebraintumourcharity.org/employment-support)

Where adjustments cost more e.g. putting in a ramp or providing aids, such as modified chairs or keyboards, you may be able to get help through schemes such as Access to Work /Access to Work (NI) – see further on in this information sheet.

## Support for identifying and implementing adjustments

### Occupational health services

Occupational health teams help to keep people well at work – both physically and mentally – and help them get back to work following ill-health.

If you work for a large organisation, they may have their own occupational health adviser/ department. It would be useful for your employee to talk to them. They can help create a 'return to work plan'. This will look at work-related and wider personal issues which may be preventing, or making it difficult, for your employee to stay in, or return to, work. It then suggests ways to overcome these obstacles.

If yours is a smaller company that doesn't have its own occupational health service, there are other services that you can use. These are free.

For a list of services, see the *Employment resources sheet*. [thebraintumourcharity.org/employment-support](http://thebraintumourcharity.org/employment-support)

### Assistive technology

To help you know what technology is 'out there' that can help your employee continue to work, there are organisations that can offer personalised workplace assessments to help identify the reasonable adjustment that can help.

For a list of organisations, see the *Employment resources sheet*. [thebraintumourcharity.org/employment-support](http://thebraintumourcharity.org/employment-support)

### Access to Work [in England, Scotland & Wales] and Access to Work (NI) [in N. Ireland].

This is a grant which can pay for practical or financial support for disabled people so they can apply to, stay in or return to work.

It can be used for a variety of things e.g. to pay for adapted equipment, making the workplace more accessible, fares to work if your employee can't use public transport, extra training or communication support in the workplace.

The employee has to apply for this, and how much they get will depend on their circumstances, such as the amount they are earning and any benefits they are receiving.

For more information, see the *Employment resources sheet*. [thebraintumourcharity.org/employment-support](http://thebraintumourcharity.org/employment-support)

