



CABINET – 14TH FEBRUARY 2018

SUBJECT: DYING TO WORK CAMPAIGN

REPORT BY: INTERIM DIRECTOR OF CORPORATE SERVICES & SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek Cabinet's approval for the Council to support the TUC's Dying to Work campaign and sign up to the charter.

2. SUMMARY

- 2.1 The Trade Unions are campaigning for a change in legislation to change the employment status of a terminally ill worker, so that their job is protected in the same way as a pregnant worker. This report provides Cabinet with an overview of the TUC's Dying to Work campaign and a recommendation that the Council sign up to the charter.

3. LINKS TO STRATEGY

- 3.1 The recommendation set out in this report contributes to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2015:
- *A healthier Wales*
 - *A more equal Wales*

4. THE REPORT

- 4.1 The Trade Unions are campaigning for greater rights for workers facing terminal illnesses. As previously stated, the Trade Unions are campaigning for a change in legislation to change the employment status of a terminally ill worker, so that their job is protected in the same way as a pregnant worker. The Trade Unions believe that this will end the indignity of workers facing dismissal during terminal illness and it will protect any in-work benefits likely to be left to loved ones in the event of death.
- 4.2 A website has been developed to provide more information regarding the campaign:
www.dyingtowork.co.uk
- 4.3 Cabinet should be reassured that employees of the Council facing such difficult situations are treated with dignity and respect. Managers and HR always support employees (and their families) to achieve their choice of outcome with regards to continued employment. This supportive position has been recognised by both GMB and Unison when requesting that the Council support the campaign and sign up to the charter.
- 4.4 In signing the voluntary charter, the TUC advise that Union negotiators should seek agreement that an employer will:

- 4.4.1 *Review sick pay and sickness absence procedures and include a specific statement that they will not dismiss any person with a terminal diagnosis because of their condition.*

Employees' entitlements to sickness pay are in accordance with National Conditions. The Council has a Managing Sickness Absence Procedure that has been agreed by the Trade Unions, with a specific section relating to terminally ill employees which states:

"If an employee is diagnosed with a terminal illness, there is a need to consider the employee's situation and their continued employment in a particularly sensitive and understanding way.

Contact with the employee is an important part of the process to determine their wishes and provide them with information on all the options available."

This wording can be reconsidered, if deemed necessary, when the Procedure is subject to review.

- 4.4.2 *Ensure that they have an Employee Assistance Programme that has the capacity and competency to provide support to any person with a terminal illness, including access to counselling and financial advice.*

The Council has this in place via a confidential advice, information and counselling service provided independently by Care First.

- 4.4.3 *Provide training to line managers and all 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.*

Training is provided to Managers, but HR support Managers when dealing with employees with a terminal illness on a case by case basis, as each will be different.

- 4.4.4 *Adopt the Dying to Work Charter and notify all employees that they have made the commitments contained in it.*

This is covered within this report.

- 4.5 The campaign requires a charter to be agreed by the employer and the Trade Union. An example of a charter is attached at Appendix A.

- 4.6 Signing up to such a charter would not require a change in how the Council supports employees facing a terminal illness, but it will hopefully encourage other organisations to support the campaign.

- 4.7 If Cabinet agree the recommendation in this report and a charter is signed, the TUC will liaise with the Council's Communications Team to arrange a public signing ceremony and a press release. Photos taken could be shared on the campaign website, social media and other outlets.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The five ways have been considered as follows:

- Involvement – in achieving our goal (to sign up and act in accordance with the campaign) we have involved our members and staff. As this is an internal change we do not need partnership involvement although leading by example as the largest employer in the borough may encourage other employers to participate.
- Collaboration – the Dying to Work Campaign does not need any external collaboration to be implemented

- Long term – this will show individual staff we support their short term and longer term needs should they wish to continue working during a terminal prognosis
- Integration – this would support the health and quality of life goals of our organisation and our partner organisations
- Prevention – this way of working is about understanding the causes of a problem and seeking to prevent them. We already have processes in place to support staff with a terminal illness as part of our wider managing attendance but being a formal partner and signing up to the campaign shows our employees the importance we place on their well-being.

6. EQUALITIES IMPLICATIONS

- 6.1 The Managing Sickness Absence Procedure was assessed in 2012 and takes Equalities related issues into account when dealing with sickness issues. This was done in order to ensure that any individual falling under one or more of the protected characteristics or wider issues covered by the Council's Strategic Equality Plan, is not adversely affected by that procedure.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications should the Council sign up to this Charter.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications in the report, as the Council will not be required to change how employees facing a terminal illness are currently supported.

9. CONSULTATIONS

- 9.1 There are no consultations that have not been included in the report.

10. RECOMMENDATIONS

- 10.1 Cabinet are asked to agree that the Council support the TUC's Dying to Work campaign and sign up to the charter.

11. REASONS FOR THE RECOMMENDATIONS

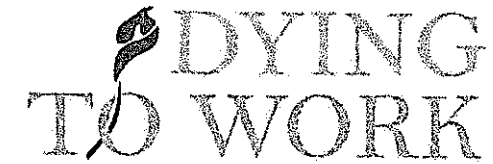
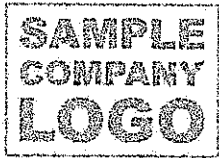
- 11.1 The recommendation is made to confirm the Council's support to the TUC's campaign and to hopefully encourage other employers to support it.

12. STATUTORY POWER

- 12.1 The Equality Act 2010
Employment Relations Act 2004

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Cllr Colin Gordon, Cabinet Member for Corporate Services
Stephen Harris, Acting Head of Corporate Finance and S151 Officer
Lisa Downey, Acting HR Service Manager
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This charter sets out an agreed way in which 'Sample Company' employees will be supported, protected and guided throughout their employment, following a terminal diagnosis.

- 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.

Chief Executive of Sample Company

TUC Regional Secretary

The TUC logo, consisting of the letters "TUC" in a bold, sans-serif font, followed by a stylized grid icon.