



A SUMMARY OF THE EMPLOYMENT RIGHTS FOR PEOPLE WITH CANCER UNDER THE EQUALITY ACT 2010

From the very first moment when you inform your employer of your cancer diagnosis, the Equality Act 2010 gives you the benefit of substantial legal protections as a disabled worker. These are day one rights for which you do not need any minimum length of service, provided you inform your employer of your cancer status¹. If you do not inform your employer, you may not benefit from these important rights and protections.

Protection Against Discrimination

People with cancer have a right to not suffer any of the following types of unlawful discrimination at work.

Direct Discrimination: Treating an employee less favourably because of their cancer diagnosis. For example, refusing to promote someone because they have cancer.

Indirect Discrimination: Applying a provision, criterion, or practice that puts people with cancer at a disadvantage compared to others, without an objective justification.

Discrimination Arising from Disability: Treating an employee unfavourably because of something connected with or arising as a consequence of their cancer (e.g. needing time off for cancer related illness, treatment, medical appointments, surgery or recovery), without an objective justification. It is the unfavourable effect of the treatment that matters most, not your employer's motivation. Employers can still be liable for discrimination even if their actions were done with the best intentions but have a negative impact on the employee's stress or career progression.

Harassment: Unwanted conduct related to the person's cancer that violates their dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment.

Victimisation: Treating someone badly / unfavourably because they have made a claim under the Equality Act 2010, or intend to make, or have supported such a complaint or have done or intend to do other things in connection with the Act (i.e. asserted their rights as disabled workers).

Reasonable Adjustments

Employers are legally required to make reasonable adjustments to ensure that employees with cancer are not put at a substantial disadvantage compared to others.

Common adjustments include:

- **Flexible Working Arrangements:** Adjusting hours or allowing for part-time work to accommodate treatment schedules.
- **Physical Adjustments:** Modifying the workplace environment, such as providing a more comfortable chair or a quiet space to rest.

¹ The purpose of this note is to summarise those key rights and protections. It is not a substitute for professional legal advice.



- Job Role Adjustments: Consensual changing of duties or providing support to reduce the physical or mental strain on the employee.

Unfair Dismissal

Dismissing an employee because they have cancer or for reasons arising from their cancer is likely to be considered unfair, (and unlawful discrimination) especially if reasonable adjustments have not been considered and the treatment cannot be objectively justified.

Constructive Dismissal: If an employee feels forced to resign because their employer has not met their obligations under the Equality Act, they may have grounds for a claim.

Employers' Additional Responsibilities

Conduct Regular Reviews and Risk Assessments: Employers should continuously assess and review the effectiveness of adjustments and support provided to the employee.

Maintain Confidentiality and Protect Employee Personal Data: Employers must respect the privacy of the employee's medical condition and handle all related information confidentially.

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Will Clayton is a partner with Constantine Law Ltd. Known for his broad range of commercial experience and his practical, solutions-focussed legal advice, Will has made significant strides in advancing the rights of disabled individuals in the workplace, earning a reputation as a leading employment lawyer in disability discrimination cases. He has successfully represented clients in a number of high-profile disability discrimination cases, helping develop important legal precedents that have strengthened protections for disabled employees.