

# Cabinet (Resources) Panel

## 7 February 2017

<b>Report title</b>	TUC “Dying to Work” Campaign	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Cllr Milkinder Jaspal Governance	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	N/A	
<b>Accountable director</b>	Kevin O’Keefe, Director of Governance	
<b>Originating service</b>	Human Resources	
<b>Accountable employee(s)</b>	Denise Pearce Tel Email	Head of Human Resources 01902 554515 <a href="mailto:denise.pearce@wolverhampton.gov.uk">denise.pearce@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Strategic Executive Board Joint Consultative Panel	25 October 2016 30 November 2016

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### Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Support the TUC Dying to Work Campaign and to sign the Dying to Work Charter.
2. Agree to the Cabinet Member for Governance, Cabinet Member for Public Health and Wellbeing and the Managing Director attending a public signing event.
3. Approve an amendment to the Management of Attendance Procedure to include a specific statement that employees who have sickness absence related to a diagnosed terminal illness will automatically have that absence “exempted” from the management of attendance thresholds.
4. Agree that all employees be notified of the commitment to the Dying to Work Campaign.

## 1.0 Purpose

- 1.1 Earlier this year, the TUC launched a campaign to urge organisations to support and help terminally ill employees by agreeing to sign up to a voluntary charter. The campaign is called 'Dying to work'.
- 1.2 In supporting the campaign the City of Wolverhampton Council will provide its employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families to help them through this challenging period with dignity and without undue financial loss.

## 2.0 Background

- 2.1 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 seeks to change the law to secure terminally ill workers a "protected period" where they cannot be dismissed as a result of their condition.
- 2.2 Current legislation contained within the Equality Act 2010, protects employees 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 TUC's campaign is to encourage a review of the Equality Act 2010 to include 'Employees with terminal illnesses' to the above characteristics.

A terminal illness is a disease that cannot be cured or adequately treated and there is an expectation that the patient will die within a relative short period of time. Usually, but not always they are progressive diseases such as cancer or advanced heart disease.

UK Social Security legislation defines a terminal illness as "a progressive disease where death as a consequence of that disease can reasonably be expected within six months", however many patients can have a terminal illness and survive much longer than six months.

- 2.3 The charter includes the following commitments from employers:

- To recognise that employees with terminal illnesses require support and understanding, not additional stress and worry.

- To support terminally-ill employees following their diagnosis and to recognise that safe and reasonable work can maintain dignity and offer a valuable distraction.
- To provide employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families without undue financial loss.
- To support the TUC *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.

### **3.0 Policy Summary**

- 3.1 Employees who are absent from work due to short or long term sickness are currently managed through the Management of Attendance process. The City Council supports employees with terminal illness with sensitivity and compassion, although this has never been underpinned by a formal policy.

It is recommended that the Management of Attendance Policy is amended to include a specific statement that employees who have sickness absence related to a diagnosed terminal illness will automatically have that absence “exempted” from the management of attendance thresholds.

### **4.0 Financial implications**

- 4.1 Once an employee is diagnosed as terminally ill they will be entitled to remain employed with the authority and have access to their full sick pay entitlement until they die in service or choose to leave on grounds of ill health. As is the case currently an employee who is a member of the West Midlands Pensions Fund they will be entitled to a lump-sum death grant of three times their final year’s pay if they die in service. Exempting terminally ill employees from management of attendance thresholds may result in longer periods of sickness absence than previously and additional costs from higher levels of accrued leave. It is anticipated, however, that this will happen in only a small number of cases and that associated costs will be met from existing service employee budgets. It is worth noting that since April 2014 twelve City of Wolverhampton Council employees have died in service, some of which may not have been the result of terminal illness.  
[GE/23012017/A]

### **5.0 Legal implications**

- 5.1 As the Equality Act does not currently recognise terminal illness itself as a protected characteristic they are no legal implications.  
[TS/20012017/G]

### **6.0 Equalities implications**

- 6.1 The ‘Dying to Work’ campaign will apply to all employees.

## **7.0 Environmental implications**

7.1 There are no environmental implications as a consequence of this policy.

## **8.0 Human resources implications**

8.1 Consultation has been undertaken in accordance with HR procedures. The policy supports best practice in employment / Human Resources procedures.

8.2 Terminally ill employees are currently managed through the 'Management of Attendance' policy and therefore if the authority agrees to support the 'Dying to Work' campaign the 'Management of Attendance' policy will need to be amended accordingly.

8.3 Human Resources will be responsible for ensuring that the City of Wolverhampton Council commitment to support the 'Dying to Work' campaign is communicated to all employees.

## **9.0 Corporate landlord implications**

9.1 This report has no implications for the Council's property portfolio.

## **10.0 Schedule of background papers**

10.1 TUC Dying to Work Negotiating Guidelines: Supporting Members with a Terminal illness  
TUC Campaign Fact Sheet