

Don't get caught in the Act

March brings with it Spring and the bulbs in gardens and fields are providing a bright hue of colour. As well as very colourful borders with the bright yellows of the daffodils, (Latin name Narcissus) the daffodil is also the March birth flower. It is said that the daffodil symbolises unequalled love, so giving this flower to someone expresses a deep love that cannot be rivalled or imitated. It may therefore, not be a coincidence then that the daffodil is also the symbol for the Marie Curie Cancer care and support organisation.

March is also UK Marie Curie Cancer Care Great Daffodil Appeal where one daffodil, one donation or one virtual collection will mean the world to someone.

March is also Prostate Cancer and Ovarian Cancer awareness month.

With the past year seeing a decline in people attending treatment or even going to see their GP, it is also perhaps timely to raise awareness around the diagnosis of cancer when you are employed.

When the Equality Act came into force (1 October 2010), it made discrimination legislation more consistent, clearer and easier to follow. It meant that you may have been/are required to make some changes to the way you manage employees.

When the Act came into force, it automatically triggered special rights and obligations for an employee with cancer.

The Act considers a diagnosis of cancer as a disability. You don't have to have symptoms or consider yourself disabled by your cancer to be covered, but the Act gives you important rights to do with your employment.

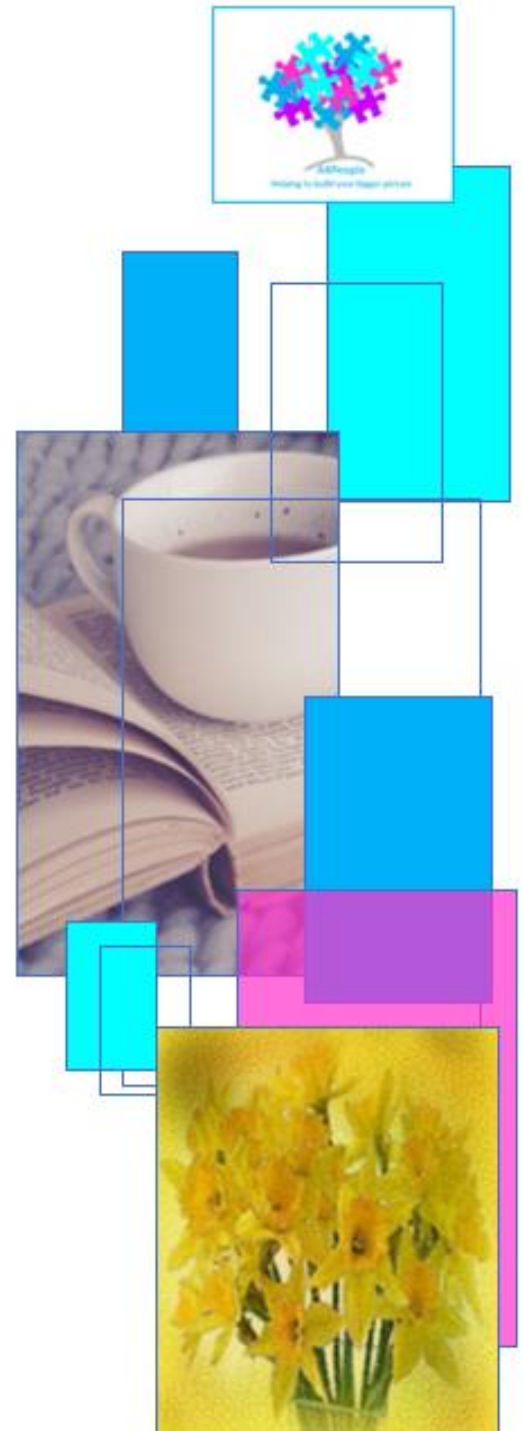
Employees have automatic protection from discrimination from day one of their diagnosis and there is no qualifying period of employment required.

This protection from discrimination continues even when there is no longer any evidence of the cancer/is in remission. So even if the cancer has been successfully treated, employees will continue to be protected against discrimination.

Employers must not discriminate against an employee with cancer unless there is objective justification for this behaviour. This covers every stage of the employment relationship – from recruitment, to the terms and conditions afforded during employment, to its termination. Both workers and job applicants are covered.

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The Act also provides to protect people who experience discrimination because they are associated with someone who has a disability. For example, it would be unlawful if the partner of someone who has cancer was refused promotion because of concerns that they would be unable to give sufficient attention to the job.

Remember, damages in disability discrimination claims are uncapped.

Are you aware of your obligations under the Equality Act 2010?

[Get in touch](#) if you would like to find out more.

Visit www.mariecurie.org.uk/daffodil to donate or find out more.



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