

# Advocacy Toolkit:

## Employment rights for parents of a child with leukaemia

There are over 1,600 children diagnosed with cancer in the UK each year – approximately a third are diagnosed with leukaemia. A leukaemia diagnosis has a huge impact on you, your child and the rest of your family – what follows is usually a very emotional and distressing time and lives are often turned upside down.

Understandably, whilst your child is receiving treatment (and for some time afterwards), you will want to be with them every step of the way – often this means that you will have to take an extended period of time away from work. It is important that you know what your rights are when discussing with your employer about taking time away from work.

### Flexible Working

There are laws that protect the rights of people at work who are caring for their child who is ill. The Work and Families Act 2006, the Employment Rights Act 1996 and the Employment Rights (Northern Ireland) Order 1996 give carers who are employed the right to ask for flexible working. This could include changing the number of hours you work, introducing flexible starting and finishing times, job sharing or working from home.

Am I entitled to flexible working?

If you have been employed by your company for 26 weeks or more, you have a right to ask for “flexible working”. An employee has the right to request flexible working once a year. Although you have the right to ask, your employer can refuse your request if they have a good reason to do so. For example, if they are unable to recruit additional staff in your absence or if it would affect the performance of the organisation.

Did you know...?

If your employer refuses your request for flexible working, it has to be for a demonstrable reason and you may be able to appeal the decision. If you feel that your employer did not handle your request in a reasonable manner or that their decision was based on incorrect information, you may also be able to make a complaint to the employment tribunal. This would need to be done within three months of the employer's decision.

## Unpaid leave

### Time off for dependants

The law also protects an employee's right to take unpaid time off to look after their child if they are ill or there is an emergency. In England, Scotland and Wales, the Employment Rights Act 1996, as amended by the Employment Relations Act 1999, means as a parent you're allowed a reasonable amount of time off to look after your child in an emergency (in this context, after a leukaemia diagnosis).

There is no limit to the amount of time you can take off (it would usually depend on circumstances) but your employer may require you to use some of your annual leave or unpaid parental leave if you want to take an extended amount of time off.

### Parental leave

As a parent you are entitled to eighteen weeks parental leave from work up until your child turns 18. Each parent can take four weeks of unpaid parental leave per child each year (unless the employer agrees otherwise). Parental leave must be taken as whole weeks rather than individual days. This may be useful after your child has received treatment to attend follow-up hospital appointments.

### Am I entitled to unpaid leave?

You have to have worked for the organisation for more than a year to be entitled to parental leave. It is also worth letting your employer know about your situation as soon as you can so that they are able to make arrangements for your absence.

### Did you know?

Your employer may allow you 'compassionate leave'. Compassionate leave can be paid or unpaid leave in emergency situations. It may be helpful to check your contract or employee handbook to see if this is something your employer offers.

### Did you know...?

It may be a good idea to find out more about your employer's policy for supporting carers before you tell them about your situation. You could go over your contract or read your employee handbook. You may then wish to talk to your line manager or human resources department about what you are entitled to and what other support your employer can provide.

Some employers offer:

- carer leave
- a carer break (usually unpaid)

## Caring and Discrimination in the Work Place

In the UK, carers are protected from direct discrimination and harassment at work by the 2010 Equality Act in England, Scotland and Wales, and the Disability Discrimination Act in Northern Ireland. This means that if you are treated differently than another employee because you have had time off to look after your child, you are protected by this legislation. For example, it would be unlawful if you were refused a promotion because you had had time off to look after your child when they were ill.

### What to do if you feel you are discriminated against because your child has leukaemia?

If you feel you are being treated unfairly at work because you have had time off to care for your child and you feel you are unable to resolve the issue informally, you could consider putting in a formal grievance. This is a more formal way of resolving your issue. Your employer should have a grievance policy, usually found in your contract or company handbook, that should be followed.

## Where to find out more?

A good place to start is [www.gov.uk](http://www.gov.uk) - which is the best place to find government services and information online. Here, you can read more about flexible working, taking unpaid leave and what work rights are in place to protect you as a parent whose child has been diagnosed with leukaemia.

Carers UK has a comprehensive website with information and advice on being a carer, what to do if you continue to work and how to handle any issues you might come across:  
[www.carersuk.org/help-and-advice/work-and-career](http://www.carersuk.org/help-and-advice/work-and-career)

Macmillan have accurate information about making the decision to continue to work and also what help is available if you decided to give up work whilst your child is ill:  
[www.macmillan.org.uk/information-and-support/organising/work-and-cancer/if-youre-a-carer](http://www.macmillan.org.uk/information-and-support/organising/work-and-cancer/if-youre-a-carer)

## Contact us

If you would like more information on what your employment rights are if your child has been diagnosed, please contact our Campaigns and Advocacy team. They are available Monday to Friday from 9:00am – 5:30pm. If you would like to speak to them, you can:



Call our office line on 01905 755977



Send them an email at [advocacy@leukaemiacare.org.uk](mailto:advocacy@leukaemiacare.org.uk)

You can also call the 24-hour CARE Line, free of charge on 08088 010 444. The team will pass your enquiry onto the Campaigns and Advocacy team.

Please note that our Campaigns and Advocacy team are unable to provide:

- Detailed medical advice or recommendations
- Legal advice
- Advocacy for a course of action which is contrary to the aims and objectives of Leukaemia CARE

Information correct at time of publication: September 2016