

**Summary Sheet**

**Staffing Committee Report**

**Title**

**Dying to Work Charter**

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Officer Approving Submission of the Report**

Head of Human Resources – Sue Palfreyman

**Ward(s) Affected**

None

**Executive Summary**

The GMB requested at the last JCC that the Council considers adopting the TUC voluntary Dying to Work Charter. This report provides detail of the Dying to Work Charter and impact on the Council.

**Recommendations**

Staffing Committee is asked to decide if the Council will adopt the TUC Dying to Work Charter.

**List of Appendices Included**

None

**Background Papers**

Dying to Work Campaign

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Dying to Work Charter**

### **1. Recommendations**

- 1.1 Staffing Committee is asked to decide whether the Council will adopt the TUC Dying to Work Charter.

### **2. Background**

- 2.1 Cancer Research UK is projecting that 1 in 3 people will be diagnosed with cancer and more people will be receiving a terminal diagnosis during their working lives.
- 2.2 1 in 10 new cancer cases are found in people under 50 (over 33,000 per annum) and a Macmillan survey showed that 37% of cancer patients had experienced discrimination on their return to work.
- 2.3 The 2010 Equality Act offers some protection for terminally ill employees, however, the act still allows employers to dismiss a terminally ill employee if they fail a capability assessment with reasonable adjustments. The Dying to Work campaign would like to see terminal illness recognised as a 'protected characteristic' where the employee could not be dismissed as a result of their condition.
- 2.4 Termination of employment could mean the loss of death in service payments and by losing their job they not only lose their income but also the dignity of dying in work.
- 2.4 Such protection would give every person battling terminal conditions the choice of how to spend their final months and the peace of mind to know that the future financial security of their family was guaranteed.
- 2.5 The TUC is asking organisations to sign a voluntary charter that sets out an agreed way in which employees will be supported, protected and guided through their employment, following a terminal diagnosis.

The charter states the following:

- 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.

2.6 Currently HR, in conjunction with South Yorkshire Pensions, Teachers Pensions and NHS Pensions undertake an assessment of the employee's individual circumstances to determine whether it would be more beneficial to receive a death in service payment or release of their pension benefits via ill health retirement.

### **3. Key Issues**

- 3.1 The Council's approach in its support to employees diagnosed with a terminal illness is already in line with the spirit of the TUC Dying to Work Charter.
- 3.2 There will always be circumstances where it would not necessarily be in the best interest of the employee to remain in employment. Adoption of the Charter would not require a change in the Council's current approach.

### **4. Options considered and recommended proposal**

- 4.1 Adoption of the TUC's Charter would support the standards of fairness and equality that the Council currently operates therefore it is recommended that the Council agrees to GMB's request and adopts the Charter.

### **5. Consultation**

- 5.1 Elected Members at JCC were supportive of the Trade Union request and recommended consideration was put forward to the appropriate Council Committee. There are no changes to how the Council currently operates so no further consultation would be required.

## **6. Timetable and Accountability for Implementing this Decision**

6.1 There is no set timescale for implementation. The Council already operates in the spirit of the Charter so there would be no change to existing policy or implications for agreeing to adopt.

## **7. Financial and Procurement Implications**

7.1 The adoption of the Charter will not incur any additional financial costs. The current costs associated with death in service and pension release on the grounds of ill health for LGPS are met from the actuarial allowance set as part of the triennial valuation of the pension scheme. There are no additional costs charged for ill health release for the Teacher and NHS Pension schemes.

7.2 Included within the LGPS Actuarial Rate is an Ill Health 'Allowance' (£2.630m for 2017/18 to 2019/20 at the 2016 valuation). If the costs of ill health retirement exceed this value the cost is charged directly to the Council. However, this is the case with current Council practice and would happen irrespective as to whether the Charter is adopted or not.

## **8. Legal Implications**

8.1 There are no legal implications associated with signing up to the voluntary Dying to Work Charter.

## **9. Human Resources Implications**

9.1 The Charter supports the standards of fairness and equality operated by the Council.

## **10. Implications for Children and Young People**

10.1 Employees working in Children's and Young People's Services will be covered by the Charter. Indirectly, support afforded to employees helps to ensure financial security for their families.

## **11. Equalities and Human Rights Implications**

11.1 The Charter supports fair pay and equalities legislation.

## **12. Implications for Partners and Other Directorates**

12.1 The Charter will apply to employees in all Directorates. There are no implications for Partners.

## **13. Risks and Mitigation**

13.1 There are no risks associated with adoption of the Charter.

## **14. Accountable Officer(s)**

14.1 Assistant Chief Executive Shokat Lal

### **Report author(s):**

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Approvals Obtained from:-

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