



Dismissal of Terminally Ill Workers QSD on 17 December 2018

This briefing identifies relevant reports and useful documents, including recent parliamentary materials and press articles, which may be of assistance to Members in preparing for the following debate:

Lord Balfe to ask Her Majesty's Government what steps, if any, they will take to prevent workers being dismissed from their jobs following diagnosis of a terminal illness.

Copies of the materials are available for collection from the Library.

Key Information

- House of Lords '[Written Question: Employment: Discrimination](#)', HL Hansard, 26 July 2018, HL9620

Written question about whether the Government will consider amending the Equality Act 2010 to assist employees experiencing one off or recurring health conditions lasting less than 12 months.

- House of Commons '[Written Question: Terminal Illnesses](#)', HC Hansard, 26 April 2016, 34383

Written question about whether the Secretary of State for Education will make it her policy to bring forward legislative proposals to make terminal illness a protected characteristic in order to ensure that employees cannot be dismissed for being terminally ill.

- UK Government website, '[Dismissing Staff](#)', accessed 11 December 2018

Government's guide to dismissal in the workplace, which includes information on when an employee may have to stop working because of long-term ill health, in which case the employee may resign, or the employer may consider dismissing them.

- ACAS, '[Conditions Automatically Treated as a Disability—The Equality Act and Cancer, MS and HIV](#)', 29 September 2016

Press release by ACAS explaining that employees will be automatically be protected against discrimination under the Equality Act 2010 from the day they are diagnosed if they have Cancer, HIV or Multiple Sclerosis.

- Equality and Human Rights Commission, '[Employment: Statutory Code of Practice](#)', 2011, pp 71–91

Included are the chapters relating to disability discrimination and an employer's duty to make reasonable adjustments.

- Trades Union Congress, '[Dying to Work Campaign](#)', accessed 11 December 2018

Dying to Work is a campaign seeking terminal illness to be recognised as a 'protected characteristic' within the meaning of the Equality Act 2010 so that an employee with a terminal illness would enjoy a 'protected period' where they could not be dismissed as a result of their illness. Employers can currently sign up to a [voluntary charter](#) which sets out agreements to which terminally ill employees will be supported, protected and guided throughout their employment. The [dyingtowork.co.uk](#) website indicates that 751,000 employees (at the time of writing) are protected as a result of their employers signing up to the voluntary charter.

Parliamentary Debate, Statements and Questions

- [Oral Question on 'Engagements'](#), HC Hansard, 16 March 2016, col 950
- House of Commons, '[Written Question: Terminal Illnesses](#)', HC Hansard, 16 July 2014, 204904
- House of Commons, '[Written Question: Terminal Illnesses](#)', HC Hansard, 16 July 2014, 204906
- House of Commons, '[Written Question: Terminal Illnesses](#)', HC Hansard, 16 July 2014, 204907

Press Articles and Comment

- Victoria Mitchell, '[Employees with a Terminal Illness—Your Responsibilities as an Employer](#)', Farley's Solicitors, 27 July 2017
- Sarah Silcox and Zoe Dudgeon, '[Managing Workers with Terminal Illness: A Guide](#)', Personnel Today, 4 July 2017

Further Information

- ACAS, [Health, Work and Wellbeing](#), March 2012; [Guidance: Discrimination: What To Do if it Happens](#), October 2015; [Guidance: Disability Discrimination: Key Points for the Workplace](#), July 2017; [Guidance: Equality and Discrimination: Understanding the Basics](#), September 2017; [Guidance: Prevent Discrimination: Support Equality](#), June 2018
- Marie Curie, '[Talking to Your Employer and Making Decisions About Work](#)', accessed 12 December 2018

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