

Guide for employers: supporting an employee who has advanced breast cancer

What is advanced breast cancer?

Advanced cancer occurs when breast cancer cells spread from the first (primary) tumour in the breast through the lymphatic or blood system to other parts of the body. A diagnosis of advanced breast cancer means that the cancer cannot be cured, but often it can be controlled, sometimes for many years.

When a person is diagnosed with advanced breast cancer (also known as Stage 4, metastatic or secondary breast cancer), he or she will undergo an enormous amount of stress. Ongoing treatment can produce a variety of side effects and cause significant fatigue. However, many people with advanced breast cancer can live full and productive lives often for many years.

How will a diagnosis of advanced breast cancer impact my employee?

A diagnosis of advanced cancer not only has an impact on the individual and their families, it also has an impact on employers and the workplace.

Many people diagnosed with advanced cancer will want to continue to work for as long as possible. Work often allows the person to reconnect with society and regain a sense of normality which can be crucial in their recovery. It is vitally important that the situation is managed with care and communication channels are kept open between employee and employer.

An employee in this situation may be looking for practical support from their employer. It is important to respond to your employee's or a carer's diagnosis carefully and realise that cancer is not necessarily a death sentence and that with recent major medical advances, many people can be cured and live a long life after their diagnosis.

It is essential to provide adequate support for employees who have been diagnosed as well as for those caring for patients as it can make a tremendous difference on the cancer journey and quality of life of those living with advanced breast cancer.

Tips for the first conversation

- Be mentally prepared and set a supportive tone in a comfortable environment. Focus on the issue/employee, listen carefully and keep communication clear, providing reinforcement and reassurance. Seek clarity where you need to.
- Review your employee's rights and entitlements and ensure they have all the information they need. Seek support from your HR person if applicable. Familiarise yourself with the employees' employment contract so you can be prepared for any technical employment questions.
- Clarify whether the employee wants their colleagues to know about the diagnosis and ensure their privacy is respected. Create a plan of communication to colleagues about absence that both parties agree on.
- Ensure they know who they can talk to with any concerns e.g. you, their HR rep, Employee Assistance etc.

Work adjustments during and after treatment

If your employee continues to work, one option to consider is a flexible working arrangement to allow for treatment and recovery.

Flexibility provides the opportunity for patients or carers to manage work and health appointments/treatment schedules in a way that works for them. This can help them stay connected to work as they face challenging health issues or care for their loved ones that do.

What type of flexibility might work for your employee?

1. Ad hoc / temporary flexibility

There are many occasions where your employee might request ad hoc flexibility, for example, to attend a health appointment, work from home occasionally, avoid traffic congestion or to take a delivery.

This also includes temporary flexibility arrangements. For example, going for treatment or taking their family member to treatment for example every Tuesday morning for 3-4 months and if they are able, making up the hours later at an agreed time.

Ad hoc / temporary flexible arrangements are appropriate where there is an end date to the arrangement within 3 – 4 months. As the employee will not be changing hours worked, generally these sorts of arrangements do not require a formal change in working conditions, contract or payment terms can be arranged by speaking to their Manager on a needs basis.

2. Regular flexibility

Regular flexibility refers to arrangements where the employee is looking for a regular pattern of flexible work which is likely to continue for a period of 3 – 4 months or more.

For example, where they continue to work contracted hours with regular periods working from home, or with adjusted hours to accommodate treatment or caring responsibilities. Regular flexible working arrangements do not generally involve a contractual variation.

3. Formal flexibility

Formal flexible working focuses on arrangements which trigger a change to the employee's current employment agreement. For example, reducing hours from full-time to a part-time working arrangement. You may discuss and agree any changes to the working arrange with an employee, and if both parties agree, you can formally vary the employee's employment agreement in writing to reflect the agreed change to the working arrangement.

Alternatively, an employee may make a formal Flexible Working Arrangement request under the Employment Relations Act 2000 for a flexible working arrangement.

Employers must respond to the request no later than one month after receiving it, notifying an employee of the decision. There are only a number of specified grounds under the Act that an employer can refuse a request for a Flexible Working Arrangement.

Top tips for employers

1. **Be aware of temporary side effects** caused by cancer/treatments such as:
 - Fatigue – ensure they know they can take regular breaks
 - Temporary difficulties with memory and concentration
 - Avoiding strong smells such as strong perfume or chemical products
2. **Consider workplace health and safety.** Are there any steps you will need to take to ensure the health and safety of the employee? Consider:
 - Scheduled rest breaks
 - Equipment to assist with work, such as special keyboard or mouse
 - Photosensitivity
 - Workstation – can you rearrange desks or space
3. **Schedule regular catch ups with your employee** to talk about their work and how they are managing. Try and be available when your employee needs to chat to you. These conversations can help determine if the employee is overworked or when they are ready to take on extra responsibilities. Discuss:
 - Days off work for treatments and appointments
 - Scheduling work hours around times when they have the most energy
 - Do they need to reduce working hours? Reducing workload or job share?
 - Do they need a work from home arrangement if possible?
4. **Ensure other employees in the workplace are coping** and have the right support if workload has increased.
5. **Make sure emergency contact details are up to date.**
6. **Be mindful that your employee may not wish to work** – or they may be physically unable to work during their treatment and recovery. If this is the case, then you will need to ensure you create a plan together about how you will manage this absence with both parties agreeing to keep each other

informed with any updated information. The key here is open communication from both sides.

7. **Create a clear 'return to work plan'** - If your employee has taken time out of the office, once they have been cleared by their medical team as "fit to return to work", ensure you create a clear return to work plan that both of you agree to. This can include:
 - The type of work (duties) they can perform
 - Consider flexible working options
 - Discussing the importance of having regular breaks and self-care
 - Ensure there are regular meetings in place so the employee feels supported and has a chance to vocalise any questions or concerns they may have
8. **Remember it is a big step for someone returning to work after a diagnosis of advanced cancer.** They will need some time to settle back in to the working environment, especially as many will have a changed life perspective post diagnosis.

Please note: The information in this document is to be used as a guide only and not as formal legal employment advice.