

3: Roles of Managers and Tips for Employers



Managing Employees with Cancer

Managers may feel ill equipped to manage employees with cancer but they have a responsibility to fulfill and it is within their scope to make dealing with cancer either easier or more difficult for their employees.

- Some of the issues they may have to face include: privacy, financial and job insecurity, employees with cancer and cancer carers entitlements, sensitive work scheduling, co-worker expectations, morale and communication issues.
- The manager has to effect a balance between:
 - Company procedures and employee needs
 - Time at work and time off for treatment
 - Too little and too much information
 - Time off and team workload
 - Employee needs and other day-to-day managerial obligations.
- The manager's response when an employee first comes to see them can set the scene for the future.
- Strategies for setting the stage and making this first conversation easier and more effective include:
 - Choosing the location carefully
 - Preparing mentally
 - Staying focused on the issue
 - Using active listening skills and communicating clearly.

3.1 Managing Employees with Cancer

It is natural to show empathy or concern for someone with cancer, however, an employee in this situation may be looking more to their manager for practical help and support. Managers have a vitally important role to play.

When a person in their team is dealing with a cancer diagnosis or treatment, the manager is in a position to balance the organisation's needs and the needs of employees. Managers may feel ill equipped to face the many demands of managing employees with cancer, but it is their responsibility and it is within their scope to make dealing with cancer either easier or more difficult for their employees.

Some of the issues managers of employees with cancer may have to face:

- Clarifying whether or not an employee wants their work colleagues to know about their diagnosis.
- Ensuring an employee's desire for privacy is always respected.
- Reducing financial worries where possible by assuring the employee that they will not be "stranded" because of their cancer diagnosis.
- Ensuring employees with cancer, or carers, are aware of their leave entitlements.
- Assisting employees in finding out how Centrelink can help them by referring them to the website www.centrelink.gov.au and guiding them if they are unfamiliar with the Internet.
- Being sensitive to the 'information overload' that cancer patients may be experiencing in the initial days following their diagnosis.
- Being honest about ignorance: admitting when they don't know the answer to a question and offering to investigate.

- Involving the organisation's Return to Work Coordinator, if there is one, or an equivalent (see Section 2.1).
- Scheduling the employee's work to avoid physically demanding tasks when they may be experiencing cancer treatment-related fatigue.
- Encouraging employees dealing with cancer to plan their work around times when they have the most energy.
- Appreciating that it is difficult to know exactly how cancer treatment will affect an individual and being alert to the need to change work schedules, at short notice if necessary.
- Adjusting work schedules over the course of the employee's treatment.
- Setting and managing the expectations of co-workers.
- Determining appropriate forms of communication for the individual and for their co-workers.
- Dealing with the morale of the individual and the co-workers.

If the manager was interpreting known policies addressing these issues, the tasks would be challenging enough. It is possible these issues may not be fully worked through, policies may not be formulated or they may not have been communicated across the organisation. Where a policy does exist it may appear too rigid to allow the manager to reach a point of balance; the role of the manager in managing an individual, and a work group, through cancer is an ongoing 'balancing act'.

The manager's balancing act

- Searching for a balance between company procedures and the employee's needs.
- Striking the balance between work and time off as cancer treatment progresses.
- Getting the right balance between too little and too much communication.
- Managing and balancing the impact of an employee's time off on the team's workload.

- Balancing the particular demands of managing an employee with cancer with the commitment to all the other aspects of the manager's day-to-day role.

The first conversation

A manager's initial response, when an employee comes to them with a cancer diagnosis, can set the stage for the entire process. It's important to know what to say and what not to say. Here are some strategies for setting the stage and for making your conversation easier and more effective:

Choose the location for the 'first conversation' carefully

Establishing meaningful dialogue usually requires a comfortable environment conducive to communication. Managers should avoid trying to catch a moment on the move, say in the corridor or lunchroom. This does not afford the privacy and focus needed to approach the issue in a professional manner. It is important to find a private place where it is possible to sit comfortably and talk with the employee without distraction or interruptions. Managers involved in the development of *Working with Cancer* stressed the importance of focusing on the needs of the employee rather than the needs of the organisation in the first meeting.

Prepare mentally

Get in the right mindset: take a few moments to prepare. Be prepared to do far more listening than asking. You'll learn more of what you need to know by listening – and won't have to worry about violating privacy with tricky questions.

Keep the focus on the issue

Make sure you and your employee are fully focused on the conversation at hand. That means putting aside any and all other activities and, if possible, avoiding interruptions and phone calls. And if your employee doesn't seem up to talking, don't hesitate to reschedule.

Communicate clearly and use active listening skills

Cancer patients often say the most important thing others can do for them is to truly listen. This is also the best way for a manager to glean information without having to worry about what they can and cannot ask the person. A good listener encourages the speaker to elaborate and continue without having to prompt for specifics. Active listening aims to put the focus on the speaker. Here are some keys to using active listening skills:

Focus on the employee, paying close attention to what they are telling you and not interrupting.

Acknowledge the employee's points but avoid agreeing or disagreeing with what they are saying. Instead, encourage them to continue by nodding, saying "yes," and letting them know you are listening.

Answer questions as clearly and specifically and as thoroughly as possible. Allow the employee to continue on with the conversation at their own pace.

Provide reinforcement and reassurance. Don't try to interpret for the employee, just reiterate what is being said.

Summarise the key points or concerns the employee has raised at the end of the conversation. Say you want to make sure both of you have a clear understanding of the situation.

The value of a mentor

If someone in the office has survived cancer, asking them to be a mentor to an employee newly diagnosed with cancer can be a highly effective strategy. This is not a process to be taken lightly. The role of the mentor would need to be clearly defined and it would be important to know if the mentor had any unresolved issues from their own cancer journey that might impact on his or her mentor role. It would be appropriate to make sure that the mentor is supported in their role through counselling and/or through check-ins with an HR professional on a confidential basis, as required and appropriate.

A system to help everyone with the critical tasks at work

Subject to issues of privacy and trust, it may be useful to set up a system to ensure other relevant workers can access status reports about the employees's critical tasks at work. In this way, when somebody needs to take time off, the work can be coordinated more easily.



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What workmates can do to be supportive

- The most important thing for the person with cancer and their workmates is communication.
- Not knowing what to say or do is normal. Workmates of a person with cancer can experience a wide variety of feelings including awkwardness, sadness, fear, disbelief and anger.
- Many people dealing with cancer appreciate having unchanged relationships with their workmates, that is having the same working relationships they had before the diagnosis of cancer.
- Other ways to help include:
 - Just listening
 - Asking the person with cancer if they want to talk about it
 - Checking if a person wants to be asked how they are each day or if it would be better just to 'be there for them'
 - Sending cards, telephoning or visiting
 - Finding out what specific help would most be appreciated, this could include doing errands, helping with difficult tasks, cooking meals, providing transport, taking kids to school
 - Talking about things other than cancer
 - Avoiding 'smothering' the person by doing too much
 - Encouraging helpful coping strategies such as exercise and optimal nutrition to overcome treatment side effects
 - Using appropriate forms of humour (follow the lead of the person with cancer)
 - Continuing to include the person with cancer in social events
 - Encouraging the person with cancer to access counselling, psychology services and support groups.
- The greatest benefit some people with cancer can gain from their employers and colleagues is the emotional support afforded through the social support network of the workplace rather than specific work-related assistance.
- The vast majority of employees diagnosed with cancer tend to inform their work colleagues; one-third (33.3%) of employees prefer to tell close colleagues and ask them to inform others; only 3% choose not to share a diagnosis with colleagues.

3.2 What workmates can do to be supportive

Supportive workmates managing their own feelings

It is important for workmates to realise that not knowing what to say to a person with cancer is quite normal. When dealing with a colleague coping with cancer, people may experience some of the following emotions:

- Awkwardness
- Confusion
- Guilt
- Fear
- Anger
- Sadness
- Disbelief.

These feelings are not unique to the individual co-worker and are similar to the emotions experienced by a person with cancer; but it may be important to ensure that co-workers appreciate this. The most important thing for the person with cancer and their workmates is communication. If a co-worker feels that a colleague's diagnosis with cancer is too overwhelming for them they can be encouraged to: speak to a counsellor on the job; visit a local support group; consult with a mentor, if one has been arranged for the person dealing with cancer.

Many people dealing with cancer generally welcome the interest, support and concern of co-workers. They appreciate a person being the colleague they have always been, and returning to the usual work relationships they shared before their diagnosis of cancer. Involvement with the employee with cancer will depend upon the relationship that existed prior to their cancer diagnosis.

Other ways for workmates to help include:

- Keeping the workplace relationships as 'normal' as possible.
- Asking the person with cancer if they want to discuss their cancer; looking for clues that they are ready to talk.
- Finding out if they want to be asked each day how they are doing or if they would prefer to know that they are there to talk to if needed.
- Sending a card, telephoning or visiting if the person is in the hospital due to cancer.
- Letting the person with cancer know that they are there to support them if needed.
- Asking the person with cancer what specific help they would like: help with errands; help with difficult tasks; cooking meals; shopping; providing transport to treatment etc.
- If feeling uncomfortable, sharing this feeling with the person who has cancer.
- Becoming more informed; learning about the cancer and its treatment can help workmates understand what the person is facing.
- Being careful about offering advice.
- Just listening to how the person feels and their concerns about the treatment, side effects, finances, the future.
- Avoiding doing 'too much' and 'smothering' the person instead of giving them the opportunity and space to do things for themselves — after all, they have been diagnosed with cancer not helplessness!
- Talking about things other than cancer; having cancer may not mean the person has lost interest in their football team, favourite TV show or the weather.

- Encouraging helpful coping strategies such as exercise and optimal nutrition to overcome treatment side effects; relaxation strategies (perhaps there are yoga or relaxation classes available through work).
- Using appropriate forms of humour (follow the lead of the person with cancer).
- Continuing to include the person with cancer in social events.
- Encouraging the person with cancer to access counselling, psychology services and support groups.

What Else?

Read the 'In Short' summaries for each part of Section 2 – especially 2.4

Rights and Responsibilities of Employers and Managers

- WorkChoices is estimated to apply to 85% of workplaces and is referred to in this section. However, there is a range of industrial instruments that currently apply to different employers in different states and there will be a period of transition for many employers with the implementation of WorkChoices. Every effort has been made to ensure that information included here was correct at the time of publication, however managers and employers should also seek their own legal advice as necessary.
- When first informed by an employee that he or she has been diagnosed with cancer, a manager and/or employer should reassure the employee of his or her continued job security, especially if he or she has delayed informing them of their diagnosis.
- Discussion of sick leave provisions and other entitlements need not be had with the employee immediately, unless requested by them; at this early stage the employee is likely to be feeling somewhat overwhelmed and suffering from 'information overload'. For this reason the 'when you're ready to talk about it' approach is recommended. When the discussion does take place it is recommended that a case manager, such as the HR manager, is assigned who can answer all questions.
- If possible, the employee should be offered counselling via an Employee Assistance Program (EAP) and this offer should be extended to immediate family members also.
- Employers/managers should be as generous as the organisation can afford and offer as much flexibility as possible in terms of encouraging the employee to work as much or as little as they wish. Avoid assumptions that the employee should stop work; many people with cancer report that continuing to come to work helps them focus on things other than their health and provides important social contact.
- An employee's desire for privacy should always be respected and their wishes as to whether or not their colleagues should know about their diagnosis should be clarified.
- If there is someone in the office who has survived cancer, a highly effective strategy can be to ask them to take on a mentor role to the newly diagnosed employee.

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- The reaction of other staff members to the news should also be taken into account as it can affect people in a large variety of ways. If possible, staff should be offered counselling if they feel they need it, although this is usually beyond the scope of normal Employee Assistance Programs (EAPs).
- The desire of other staff to help a colleague diagnosed with cancer can be profitably channeled towards some form of appropriate supportive gesture such as cards, flowers, gift baskets and donations of money or sick leave etc.
- Staff members with no previous experience of cancer are unlikely to have a great deal of knowledge about what lies ahead for their colleague. Providing them with information about the type of cancer, prognosis, likely treatments and duration, and side effects – such as fatigue and memory deterioration – can therefore be a useful strategy. The information does not need to be overly detailed: a brief overview is usually sufficient with advice as to where further information can be obtained.
- A list of ‘reasonable adjustments’ is suggested in this section; an employer will need to consider several factors when deciding whether an adjustment is reasonable, including the effectiveness of the adjustment for people with disabilities. What is considered ‘reasonable adjustment’ will depend on many different things, including:
 - The cost of making the adjustment
 - The amount of benefit for the employee
 - The practicality of making the adjustment
 - Whether making the adjustment will affect the employer’s business/service/financial situation
 - Whether or not financial assistance eg from the Access to Work scheme or voluntary organisation is available to an employer for such an adjustment.
- Nine steps towards developing a policy are provided. Organisations may choose to integrate the issue of cancer within other broader policies or to have a specific policy about cancer according to the context and needs of the organisation.

3.3 Rights and Responsibilities of Employers and Managers

The right to know and the responsibility to respect privacy

An employer has the right to know about disabilities that will affect an employee's performance. But there is a need to be aware of the person's right to privacy; when in doubt, it is better to err on the side of caution. Even where an employer or manager has an established personal relationship with an employee, it is wise to think twice about asking for too much detail about too many specifics.

Employers and WorkChoices

It is important for employers to check the relevant industrial arrangements that apply to their workforce as well as their own policies and procedures. Given that WorkChoices is estimated to apply to 85% of the workforce, the Australian Fair Pay and Conditions standards are referred to in this section. However, there is a range of industrial instruments that currently apply to different employers in different states and there will be a period of transition for many employers with the implementation of WorkChoices.

What are the employee's entitlements to leave?

The minimum standards under WorkChoices are four weeks annual leave and 10 days personal/carer's leave which can be cumulative. An additional two days of unpaid leave is available for emergencies for permanent employees who have used up their personal leave entitlement. Casuals are also entitled to two days unpaid carer's leave. Under WorkChoices, employees other than casuals are entitled to two days compassionate leave to visit a seriously ill or dying relative, or to attend a funeral. This may be referred to as bereavement leave in some current industrial instruments. It will also be necessary to check the relevant industrial document for a definition of a relative.

About Sick Leave, Personal Leave and Carer's Leave

Paid sick leave provisions exist so that workers who are too ill to attend work are entitled to leave with pay for a prescribed period of time. Sick leave is an allowable award matter under the Workplace Relations Act. Generally, entitlements are found in awards or agreements including Certified Agreements. Some states have also enacted legislation providing minimum levels of sick leave entitlements. In New South Wales, Victoria and Queensland the minimum entitlement is one week, in South Australia 10 days and in Western Australia 10 days or 80 hours, whichever is the lesser. Awards often provide for more leave than state legislation and are legally binding on the employer. Normally sick leave is expressed in hours per year or days per year. The former allows for greater accuracy. Personal leave covers entitlements in case of illness, leave for caring purposes and leave for other unplanned special circumstances. Carer's leave enables employees to take time off to care for and support an immediate family or household member who is ill or injured. Entitlements to carer's leave may be contained in workplace agreements or HR policies and may sometimes be referred to as family leave.

As with guaranteed conditions governing annual leave, paid personal (sick) leave applies to all employees throughout Australia, other than casual employees, whose employer is a constitutional corporation, where proper notice and documentation is produced by the employee verifying the reason for the absence. Guaranteed federal conditions override any conditions in an industrial instrument (award or agreement), whether federal or state, except where the personal/carer's leave provision in the relevant instrument is 'more generous' than the federal guaranteed standard. The new federal legislation provides a guarantee for unpaid carer's leave, specifying notice and documentation requirements which are applicable to all employees including casual employees.

'Personal/carer's leave' is defined as paid leave (drawing on sick leave) taken by the employee because of a personal illness, or injury, of the employee; or paid or unpaid carer's leave taken by an employee to provide care and support to a member of the employee's immediate family, or a member of the employee's household, who requires care and support because of the personal illness, or injury, of the member; or an unexpected emergency affecting the member. The terms, 'child', 'de facto spouse', and 'immediate family' are relevant to the circumstances in which carer's leave and compassionate leave may be taken. They are intended to cover extended and blended families, including de facto marriages, step-relationships, and adoptive relationships. The term 'immediate family' is defined as the employee's spouse (including de facto spouse, former spouse, or former de facto spouses), child, parent, grandparent, grandchild, or sibling. This includes the employee's current and former spouse. The term 'de facto spouse' is defined as a person of the opposite sex to the employee who lives with the employee on a genuine domestic basis as the employee's husband or wife, without being legally married. The term 'child' refers to an adopted child; a stepchild; an ex-nuptial child; or an adult child.

Note: The legislation circumscribing WorkChoices defines de facto spouse as 'a person of the opposite sex', and does not include same-sex partners within the definition of immediate family for the purposes of determining eligibility for carer's leave. The legislation has been criticised by groups such as the Gay and Lesbian Rights Lobby (GLRL) for its failure to recognise same-sex relationships under the definition of de facto spouse, leaving same-sex couples without rights such as carer's leave, adoption leave, and parental leave.⁴

Paid Personal (Sick) Leave Entitlement

An employee is entitled to paid personal (sick) leave which is accrued at the rate of 1/26 of the number of nominal hours worked by the employee for each completed four-week period of continuous service with the employer. This would mean that an employee, whose nominal hours worked each week over a 12-month period is 38 hours, is entitled to accrue 76 hours paid personal/carer's leave (ie two weeks paid leave) over the period. Paid personal leave accrues on a pro rata basis.

Accrual of Personal (Sick) Leave

Each month, an employer must credit an employee the amount (if any) of paid personal/carer's leave accrued by the employee since leave was last credited to the employee. For example, the employer may credit leave on the first day of each month, or on the first Monday of each month (except for public holidays, when the leave will be credited the next business day). If an employee's working hours were variable from month to month, the amount of accrued leave credited each month would vary accordingly. Paid personal/carer's leave is cumulative.

Notice and Evidence Requirements

Paid Sick Leave

To be entitled to sick leave an employee must notify the employer of their inability to attend work, as soon as reasonably practicable, unless there are circumstances beyond the employee's control. Where an employer requires an employee to provide a medical certificate when claiming payment for sick leave, the medical certificate must include a statement to the effect that, in the medical practitioner's opinion, the employee was, is, or will be unfit for work during the period because of a personal illness or injury.

Paid Carer's Leave

In the case of an employee's claim for paid carer's leave, and where the employer requires the employee to produce the required document, the following applies:

- A medical certificate, from a medical practitioner, is required if the care and support provided by the employee is because of the personal illness or injury of a family or household member.
- A statutory declaration made by the employee, is required, if the care and support provided by the employee is required because of an unexpected emergency affecting a member of the family or household.

As with sick leave, the required document must be given to the employer as soon as reasonably practicable. Neither the notice or document requirements apply to an employee who could not comply because of circumstances beyond the employee's control.

Unpaid Carer's Leave

All employees (including casual employees) are entitled to two days of unpaid carer's leave on each occasion that a member of the employee's immediate family or household requires care and support due to being ill, injured, or affected by an unexpected emergency. An employee may take the leave in one continuous period, or in distinctly separate periods as agreed between the employer and employee. For example, an employer and an employee could agree that the employee will take unpaid carer's leave as four consecutive half-days, so that the employee could share caring duties with someone else. An employee can only access an entitlement to unpaid carer's leave where the employee has exhausted their accumulated paid carer's leave or any other authorised leave, eg annual leave, for caring purposes.

Payment for Personal (Sick) Leave

The employer must pay the employee an amount that is equivalent to what the employee would reasonably have expected to receive had the employee worked during the period of leave. An employee is not entitled to take paid sick leave to cover an absence from work because of personal illness or injury if the employee is receiving workers' compensation payments. There is an annual cap on an employee's entitlement to take time if, during the previous 12 months, the employee has already taken paid carer's leave of more than 1/26 of the nominal hours worked. This means an employee would be entitled to use up to 10 days personal leave each year for the purposes of caring for members of the employee's immediate family or household who are sick and require care and support, or who require care due to an unexpected emergency. The remainder of the employee's accrued personal leave entitlement would be reserved to be taken as paid sick leave as the need arises.

Compassionate Leave

Under WorkChoices an employee, other than a casual employee is entitled to take two days paid leave to spend time with a critically ill, injured, or dying person who is a member of the employee's immediate family or household. An employee may take up to two days compassionate leave upon the death of a member of their immediate family or household and such leave does not have to be taken immediately when the illness, injury or death occurs. The employer must pay the employee an amount equivalent to what the employee would reasonably have expected to receive had the employee worked during that period of leave.

Compassionate leave is also prescribed in legislation in Queensland, South Australia and Western Australia. In Queensland, the *Industrial Relations Act 1999* [Qld] provides employees, including 'long-term casuals', with two

days leave on the death of an immediate family or household member. In South Australia, the *Fair Work Act 1994* [SA] provides an entitlement of two days bereavement leave for all full-time and part-time employees on the death of a spouse, parent, child, any other member of the employee's household, or any other person who is dependant on the person's care. In Western Australia, the *Minimum Conditions of Employment Act 1993* [WA] provides an entitlement of two days bereavement leave on the death of a spouse (including de facto), child or step-child, parent or step-parent, and any other person who at the time of death was living with the employee as a member of the employee's family.

How do managers and employers ensure they are not discriminating against a person with cancer?

- Be clear about the actual requirements of the person's job – does their illness actually affect their ability to do the job, or is it more about the fact that the employee is away on sick leave more, or is fatigued etc.
- Make reasonable modifications/ adjustments to enable the person to continue doing their job. For example, if there are tasks that are particularly tiring that can be reallocated (in consultation with the employee) or if there is equipment that can be purchased that will assist the person to do their job in less time etc.
- Provide lots of support – emotional and practical – and ideally document the support that is given.
- Avoid making assumptions about what the person can or can't do. Give them every opportunity to demonstrate they can still perform their role without over-managing them. At the same time, make sure you check in regarding how they are going with managing their workload.

- Employers should ensure that employees on 'light duties' are not required to perform duties which are 'heavy' in nature, as this may constitute disability discrimination as well as a risk to the employee's health and safety. Employers are under an obligation to make sure that work conditions that are adverse to an injured employee are rectified.
- An ill or injured employee can make claims against employers under unlawful termination laws or under discrimination laws. WorkChoices legislation says an employee has to choose between the two streams of action. Under WorkChoices, an employee pursuing a claim will only get one attempt at that claim; that is, if they lose a discrimination claim they will not then be able to lodge an unlawful termination claim against their former employer, and vice versa. Under WorkChoices, there is no access to unfair dismissal laws for employees whose employer has 100 or fewer employees.

How do managers and employers ensure they do not unfairly terminate someone with cancer?

If a manager is proposing to terminate the employment of someone with cancer, they need to be very clear about the grounds for that termination and they need to ensure their reasons are lawful and not discriminatory or in breach of the relevant contract, award or agreement.

Prior to termination on the grounds of poor performance (unless this is case of summary dismissal for serious misconduct), managers need to ensure they have carefully explored the following:

- The person's performance record: Has there been a history of poor performance/excellent performance? Is the person's performance unusual and related to their illness? Or, was their performance poor prior to their diagnosis and treatment? Over what period of time has performance been an issue?

- What support, training, feedback and guidance has been given to the person to assist them to improve their performance?

Once the grounds for termination are established, the manager must ensure they follow a fair process leading to termination.

In accordance with the relevant industrial instrument and the company's policies and procedures, managers should ensure they are extremely thorough in recording both the reasons for termination and the process followed leading to termination.

Tips for Employers

The following nine recommendations to employers feature in The Cancer Council WA report, *Cancer in the Workplace Project – Report on consultations with Managers and Employees*:

1. When first informed by an employee that he or she has been diagnosed with cancer, reassure the employee of his or her continued job security especially if he or she has delayed informing you of the diagnosis.
2. Discussion of sick leave provisions and other entitlements need not be had with the employee immediately, unless requested by them; at this early stage the employee is likely to be feeling somewhat overwhelmed and suffering from 'information overload'. For this reason the 'when you're ready to talk about it' approach is recommended. When the discussion does take place it is recommended that a case manager, such as the HR manager, is assigned who can answer all questions.
3. If possible, the employee should be offered counselling via an Employee Assistance Program (EAP) and this offer should be extended to immediate family members also.

4. Be as generous as the organisation can afford and offer as much flexibility as possible in terms of offering the employee to work as much or as little as they wish. Do not assume that the employee should stop work; many people with cancer report that continuing to work helps them focus on things other than their health and provides important social contact.
5. An employee's desire for privacy should always be respected and their wishes as to whether or not they want their colleagues to know about their diagnosis should be clarified. Most employees do not mind if their work colleagues know about their diagnosis and cancer survivors suggest that it can be highly beneficial for work colleagues to know as it allows them to be supportive.
6. If there is someone in the office who has survived cancer, a highly effective strategy can be to ask them to take on a mentor role for the newly diagnosed employee; check with the person with cancer first.
7. The reaction of other staff members to the news should also be taken into account as it can affect people in a large variety of ways. If possible, staff should be offered counselling if they feel they need it, although this is usually beyond the scope of normal Employee Assistance Programs (EAPs).
8. The desire of other staff to help a colleague diagnosed with cancer can be profitably channeled towards some form of appropriate supportive gesture such as cards, flowers, gift baskets, donations of money or sick leave etc. Although colleagues might have a sense of hopelessness, assure them that their expressions of concern and offers of support will be highly appreciated and beneficial.
9. Staff members with no previous experience of cancer are unlikely to have a great deal of knowledge about what lies ahead for their colleague.

Providing them with information about the type of cancer, prognosis, likely treatments and duration, and side effects such as fatigue and memory deterioration can therefore be a useful strategy. However the information does not need to be overly detailed: a brief overview is usually sufficient with advice as to where further information can be obtained. Knowledge about the cancer is likely to make colleagues more comfortable around the employee with the cancer, and even encourage them to enquire as to the progress of treatments, which most people with cancer say they do not mind and even appreciate.

Making adjustments to help employees

The following list of 'reasonable adjustments' has been suggested for workplaces in Britain⁵ and is included here as it is very likely to have direct relevance for workplaces in Australia:

- Allowing an employee time off to attend medical appointments
- Modifying a job description, with the employee's agreement, to take away tasks that cause particular difficulty
- Allowing some flexibility in working hours
- Allowing extra breaks to help an employee cope with fatigue
- Temporarily allowing the employee to be restricted to 'light duties'
- Adjusting performance targets to take into account the effect of sick leave/fatigue etc on the employee
- Moving the employee to a post with more suitable duties (with the employee's agreement)
- Moving a work base: for example, transferring to a ground-floor office if breathlessness makes climbing stairs difficult
- Ensuring suitable access to premises for employees using wheelchairs/crutches etc
- Providing toilet facilities appropriate for a disabled employee
- Allowing working from home
- Allowing 'phased (gradual) return' to work after extended sick leave
- Providing appropriate software (such as voice-activated software for employees who cannot type)
- Changing a meeting date/time so as not to clash with an applicant's medical appointment.

An employer will need to consider several factors when deciding whether an adjustment is reasonable, including the effectiveness of the adjustment for people with disabilities. What is considered 'reasonable adjustment' will depend on many different things, including:

- The cost of making the adjustment
- The amount of benefit for the employee
- The practicality of making the adjustment
- Whether making the adjustment will affect the employer's business/service/financial situation
- Whether or not financial assistance eg from the Access to Work scheme or voluntary organisation is available to an employer for such an adjustment.



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Towards Better Practice Principles for Organisations

Better Practice Principles for Organisations⁶ can include the following elements:

- Knowledge of employers' rights and responsibilities – and ensuring that organisational arrangements are consistent with these
- Respect for privacy
- Provision of support and flexible working arrangements for carers of people with cancer
- Balancing the individual's right for privacy with potential impacts on other work colleagues/team members
- Provision of relevant information to the employee at the right time
- Clear communication to other work colleagues at the right time (eg as to why certain work scheduling changes are being put in place to allow flexibility for a person with cancer)
- Accurate and current information in the workplace to dispel any myths or misunderstandings about cancer
- Flexibility of work scheduling to deal with effects of cancer treatment (fatigue, concentration issues)
- Provision of practical advice and support on leave and other employee entitlements
- Awareness and management of impacts on other work colleagues
- Providing a 'point(s) for conversation' for the person with cancer and for other work colleagues
- Zero tolerance of any discrimination and harassment of the employee with cancer
- Creating a supportive workplace climate where all employees are encouraged to engage and assist people to access appropriate help
- Promoting an understanding of cancer issues, including an appreciation that returning to work is very important for the vast majority of people dealing with cancer.

⁶ This list does not purport to be exhaustive and is intended only as a starting point for organisations.

3.5 Towards Better Practice Principles for Organisations

Better practice principles are suggested in this section as a starting point for organisations. The principles were derived from the research (see Appendices) into employees with cancer diagnoses, the legal obligations of managers and employers and social justice principles. They were refined and validated in a writing workshop used to generate the case studies included in *Working with Cancer*. However, it is emphasised that this list does not purport to be exhaustive and is intended only as a starting point for consultation and real engagement of those for whom the better practice message is being formulated.

Better practice principles for organisations includes the following components:

- Knowledge of employers' rights and responsibilities – and ensuring that organisational arrangements are consistent with these
- Respect for privacy
- Provision of support and flexible working arrangements for carers of people with cancer
- Balancing the individual's right for privacy with potential impacts on other work colleagues/team members
- Provision of relevant information to the employee at the right time
- Clear communication to other work colleagues at the right time (eg as to why certain work scheduling changes are being put in place to allow flexibility for a person with cancer)
- Accurate and current information in the workplace to dispel any myths or misunderstandings about cancer
- Flexibility of work scheduling to deal with effects of cancer treatment (fatigue, concentration issues)
- Provision of practical advice and support on leave and other employee entitlements
- Awareness and management of impacts on other work colleagues
- Providing a 'point(s) for conversation' for the person with cancer and for other work colleagues
- Zero tolerance of any discrimination and harassment of the employee with cancer
- Creating a supportive workplace climate where all employees are encouraged to engage and assist people to access appropriate help
- Promoting an understanding of cancer issues, including an appreciation that returning to work is very important for the vast majority of people dealing with cancer.

A plug for Injury Management Plans

In the development of *Working with Cancer*, some managers commented on broader plans that could be used as vehicles for some of the principles listed above, eg an Injury Management Plan.

An Injury Management Plan:

- Is specific to your organisation, workforce and business objectives
- Should ensure you meet your legislative obligations (OH&S, workers compensation, anti-discrimination)
- Should be available to all staff – educate the worker and the supervisor
- Should take the guesswork out of getting results (maximising return to work reduces direct and indirect costs).

3.6 Developing and Implementing Policies in the Workplace

This section is modelled on, and has drawn ideas and material from, The Cancer Council NSW publication, *Protect your skin – a workplace sun protection kit*. Other useful sources are included in the references for Section 3.



IN SHORT – WORKSHOP HANDOUT WHO 12

Nine Steps to Introducing a Policy

Step 1

Be Informed

- Gather information
- Clarify your responsibilities

Step 2

Form a Working Party

- Seek broad representation
- Define the role and activities of the working party
- Choose someone to chair the group

Step 3

Develop an Action Plan

- Consider the 'action plan checklist'
- Consult with staff

Step 4

Keep Management Informed

- Prepare a report(s)

Step 5

Develop the Policy

- Write the draft policy
- Facilitate the consultation
- Trial new initiatives
- Review the draft policy
- Develop a plan to implement the policy

Step 6

Educate Employees about the Policy and Promote it

- Conduct awareness raising activities
- Facilitate training for all staff

Step 7

Implement the Policy

- Commence the policy
- Establish review dates

Step 8

Ensure Policy Benefits are Maintained

- Monitor compliance with the key elements of the policy
- Conduct ongoing supportive activities
- Deal with any problems as they arise

Step 9

Review and Evaluate

- Consider the process
- Consider the results
- Revise as necessary (go to Step 3 and repeat)

Success Factors for Policy Development and Implementation

Experience and research suggest that policy development and implementation will be more successful if:

- Employers and employees representing a cross-section of the organisation actively participate in planning, consultation, decision-making, determination of strategies, implementation and review
- A written policy is developed that is adopted, supported and reviewed
- Ongoing training and information is provided as a key component of the policy
- Staff and management have ongoing opportunities to comment on, and review, the process and the impact of implementation of the policy
- A system to support regular review of the written policy is developed
- Action is taken for the consideration and integration of all recommendations from the review process.

When planning and implementing policy around the issues dealt with in *Working with Cancer*, it is important to remember that some of the changes will be focused on the individual level (eg employees awareness and behaviours) some will be at the structural level (eg flexible scheduling of work to support people dealing with cancer) and some may be at the organisational level (eg providing or extending to more comprehensive services under the organisation's Employee Assistance Program). Ongoing consultation is the key to successful policy implementation. Whether an organisation is adapting or reviewing an existing policy or is in the process of developing a new policy, the 'nine steps' process outlined will be useful.

Step 1. Be Informed

- Use the information in this resource, *Working with Cancer*, to build a sound argument as to why a workplace policy is needed.
- Gather information on how many employees might be likely to be affected over time (eg make use of the figures in Appendix 3).
- Obtain examples of workplace policies in the same or similar areas.
- Investigate what similar organisations have done in this area and seek advice from relevant industry associations and unions.
- Clarify the organisation's duty of care under the Occupational Health and Safety Act.

Step 2. Form a Working Party

- Ideally a working party will be composed of workers from a range of different departments, union representatives, HR representatives and management; in some cases the working party may include peak organisation representatives or consultants.
- Interested people can be recruited through notice boards, newsletters, meetings and pay-slip notes; alternatively departments or sections could be asked to nominate representatives.
- There may be an existing committee that can take on this task.
- The working party will need direction and an action plan covering the development and implementation of the policy.

Step 3. Develop an Action Plan

- Consider the Action Plan Checklist:
 - Does the organisation need to develop a new policy or can it adapt or update an existing policy?
 - What model policies or guidelines can be used as a reference?
 - What existing organisational or local resources are available to assist the process?

- Who should be consulted in the policy process? Which workers from which departments? Unions? Return to Work Coordinators? HR Managers? Management? Health/counselling staff? Peak organisations? Consultants with expertise in the area? Marketing and Communications staff?
- What is the budget for developing and implementing the policy?
- What strategies can be used to ensure that the policy is implemented and evaluated?
- Ask for employees' opinions at workplace meetings.
- Conduct interviews, focus groups and/or a workplace survey.
- Talk with employees informally and get a sense of their opinions.
- Ensure you have used consultation to help you determine:
 - Employees' and managers' current awareness and knowledge of the issues and of any existing policies
 - What issues (if any) have been identified as being particularly important to address
 - Potential barriers to be addressed at the policy implementation stage.

Step 4. Keep Management Informed

- Preparing a report(s) for management is a useful step in gaining their support if they are not already involved and leading the process. The report could cover health and safety requirements, legal responsibilities, advantages of developing and implementing the policy as well as the proposed action plan and budget.

Step 5. Develop the Policy

- Write the draft policy: use a model policy and information gained through the consultation process as the basis for your policy.
- Develop 'SMART' objectives for your policy (Specific, Measurable, Achievable, Resourced and Time-based).

- Address any other relevant issues, including the procedures for dealing with non-compliance.
- Facilitate the consultation: circulate the draft policy to key stakeholders for comment.
- Give employees an opportunity to generate ideas about the best way(s) to improve on the draft document.
- Provide up-to-date information on the progress of the policy development at meetings.
- Trial some of the new ideas and initiatives for a period.
- Amend the draft policy to reflect feedback from the consultation and trials; as far as possible incorporate the views and recommendations of those most affected by the policy.
- When the policy document is complete, circulate it; it may be helpful to prepare a one-page summary version highlighting the most important aspects of the policy.
- An effective policy depends on an implementation plan being an integral part of the development process.

Step 6. Educate Employees about the Policy and Promote it

- Conducting activities to raise awareness and improve understanding amongst employees is a critical step in effective policy implementation; make sure that supervisors and managers are included.
- There are different ways to raise awareness; *Working with Cancer* includes a sample short information session and one-day workshop. Posters, brochures, pay-slip notes, newsletters are other methods to be considered.
- Design and conduct an information session or workshop dealing with the issues raised in *Working with Cancer*; the session could be dedicated exclusively to *Working with Cancer*, or it could be integrated into an existing program as appropriate.

- After the initial training or information session, updates should be conducted at regular intervals and be incorporated into orientation/ induction materials for new employees.

Step 7. Implement the Policy

- Encourage managers and supervisors to be fully acquainted with the policy so that they can be seen to be supportive and can answer any questions.
- Set realistic timeframes for implementation of the policy and for its ongoing review; consider whether the policy is to be implemented with immediate effect or whether there is to be a defined 'introductory phase' before the policy becomes compulsory.

Step 8. Ensure that Policy Benefits are Maintained

- Establish the means to see whether the policy is being implemented as intended and that employees are complying as required, eg establish a process where workers can feed information back to the policy working party on a regular and ongoing basis.
- Seek employee suggestions about ways of ensuring compliance with the policy across the organisation.
- Conduct ongoing supportive activities, eg provide information on the policy at induction training for new staff and include case studies or other material from *Working with Cancer* in in-house training programs for managers.
- Promote or reinforce the policy throughout the year through notice boards, posters, discussions, brochures, memos and staff newsletters.
- Write some speech notes so that the CEO or General Manager has an opportunity to make strong and supportive public statements about the policy.
- Run a policy update/information session every year.

Step 9. Review and Evaluate

- The process of policy implementation should be reviewed regularly in the first 12 months by senior management and by the HR section of the organisation with the assistance of the policy working party or group.
- The methods advocated for Step 3 can appropriately be used again here to check on policy implementation (opinions, surveys, focus groups).
- The process of review can be as simple as asking staff for comments on any problems they think may be occurring with the new policy and practices, or as sophisticated as a formal survey.
- Both the results of the policy and the review of the written document should ideally be undertaken annually or at least every two years.
- The review process could be integrated into other workplace policy review processes.

References for Section 3

1. Workplace

The Australian Workplace website is an initiative of, and is administered by, the Australian Federal Department of Employment and Workplace Relations. It provides access to online services and information, employment information, government assistance, jobs, careers, training, working conditions and Indigenous Employment Centres.

<http://www.workplace.gov.au/workplace/>

2. WorkChoices

The Department of Employment and Workplace Relations (DEWR) manages this website which provides general information about WorkChoices.

<https://www.workchoices.gov.au/>

3. Paul Bullen Management Alternatives Website

Many of the resources on this site have been designed for small to medium-sized human service organisations. The section 'Steps in Writing Policies' contains very useful information and is worth referring to.

<http://www.mapl.com.au/policy/tp2.htm>

4. Department of Local Government, Planning, Sport and Recreation (Queensland) Website

This Queensland government website includes useful generic descriptions of the policy development processes and a list of suggested policy implementation strategies.

http://www.srq.qld.gov.au/policy_development_process.cfm