



## **FULL COUNCIL REPORT**

Date Written	17 <sup>th</sup> August 2021
Report Author	Fran Donnelly
Service Area	Human Resources
Non Exempt	Non Exempt
Committee Date	8 <sup>th</sup> September 2021

*To: Mayor, Ladies and Gentlemen*

### **TUC Dying to Work Voluntary Charter**

#### **1.0 SUMMARY OF THE REPORT**

- 1.1 The Council resolved on 18<sup>th</sup> December 2019 that 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.
- 1.2 This report provides Council with the details required in order to formally adopt the Dying to Work Voluntary Charter.
- 1.3 The Trade Unions have been consulted on the adoption of the Dying to Work Voluntary Charter and are in agreement with the proposed adoption.

#### **2.0 RECOMMENDATION that**

- 2.1 The Chief Executive signs the Dying to Work Voluntary Charter on behalf of Merthyr Tydfil County Borough Council to show its on-going commitment to supporting rights and responsibilities towards its staff be approved.

#### **3.0 INTRODUCTION AND BACKGROUND**

- 3.1 Many workers get a serious illness at some time in their working lives, and sadly, sometimes there is no effective treatment. In these cases, the employee may face a time of huge emotional stress, fear and uncertainty. The Council, therefore, has a duty of care to these employees and help and support should be provided to them.

- 3.2 Sometimes the nature of the illness is such that the person is unlikely to be able to work again. In other cases, a person may decide that they do not want to work anymore and would rather spend their remaining time with their family and friends, getting their affairs in order, or simply doing what they want.
- 3.3 If a worker with a terminal illness loses their job they lose their income. They can also lose any death in service payments they have earned through a life-time of work but are only payable to those that die while still in employment.
- 3.4 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.
- 3.5 By signing the Charter, the Council are agreeing to supporting any employee diagnosed with a terminal illness by continuing to provide reasonable adjustments to help maintain dignity, continuity of employment and the right to choose the best course of action for themselves and their families without undue financial loss.
  - 3.6 Their employment will be protected for the duration of their terminal illness, preserving their death in service benefits for their loved ones. Employees and their families should not have to worry about losing their jobs on the back of a terminal illness diagnosis and Merthyr Tydfil County Borough Council is committed to supporting these employees via our policies.
  - 3.7 Along with the proposal to adopt a Dying to Work Charter, an amendment has also been proposed to the Sickness Absence Policy and Procedure to incorporate this.
  - 3.8 Unfortunately, the Council has had sixteen employee deaths in service since 1<sup>st</sup> April 2016, we do not hold records if any of these are a result of terminal illness.
  - 3.9 Where an employee is determined by the approved Independent Registered Medical Practitioner as being permanently incapable of discharging efficiently the duties of their job or any other comparable employment, their employment may be terminated on the grounds of permanent ill health retirement. It is for the Council to make the

formal ill health award determination, of which fourteen have been made since the 1<sup>st</sup> April 2016 of these three members of staff had a terminal illness.

- 3.10 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.
- 3.11 Commitment to this Charter would affect only a small number of employees but would provide assurance to them and their families that the Council would be committed to supporting them to continue in employment until they decide their best option.
- 3.12 The TUC will provide a customised copy of the charter for a public signing ceremony which will be attended by a representative of the campaign. The TUC will also work with the Council's Corporate Communications team to co-ordinate press releases to generate media coverage in both the local and national press and broadcast media.
- 3.13 After the signing, the Council will have officially joined the growing number of employers from across the public and private sector which have made this important commitment to their employees. The Council's details will be added to the TUC website and the charter will be left with the Council to display.

## 4.0 FINANCIAL IMPLICATIONS

- 4.1 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 Pension schemes.

## 5.0 INTEGRATED IMPACT ASSESSMENT

5.1

	Positive Impacts	Negative Impacts	Neutral/Not Applicable
1. <b>Merthyr Tydfil Well-being Objectives</b>	0 of 4	0 of 4	4 of 4
2. <b>Sustainable Development Principles - How have you considered the five ways of working?</b> <ul style="list-style-type: none"> <li>• Long term</li> <li>• Prevention</li> <li>• Integration</li> <li>• Collaboration</li> <li>• Involvement</li> </ul>	3 of 5	0 of 5	2 of 5
3. <b>Protected Characteristics</b> (including Welsh Language)	0 of 10	0 of 10	10 of 10
4. <b>Socio-economic Disadvantage</b>	0 of 6	0 of 6	6 of 6

5. Consultation and Engagement	Undertaken	Due to be Undertaken	Not Required	
	1 of 1	0 of 1	0 of 1	
6. Data and Evidence to inform the proposal	Yes		No	
	1 of 1		0 of 1	
7. Biodiversity and the resilience of Ecosystems	Maintained	Enhanced	Reduced	Neutral/Not Applicable
	0 of 1	0 of 1	0 of 1	1 of 1
<b>Summary</b>				
The main positive impacts are:	To provide clear guidance to both managers and staff on how to deal with sickness effectively.			
The main negative impacts are:	No negative impacts.			

**FRAN DONNELLY**  
**HEAD OF HUMAN RESOURCES & ORGANISATIONAL DEVELOPMENT, PENSIONS AND PAYROLL**

**COUNCILLOR ANDREW BARRY**  
**CABINET MEMBER FOR GOVERNANCE & CORPORATE SERVICES**

<b>BACKGROUND PAPERS</b>		
Title of Document(s)	Document(s) Date	Document Location
Does the report contain any issue that may impact the Council's Constitution?		No

***Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.***