

BARGAINING ON CARERS' POLICIES

How branches can benefit from bargaining on carers' rights at work



Branches and workplace reps have increasing demands on their time. But negotiating for better support for workers with caring responsibilities will have a wide-ranging benefit for your branch and workplace, as well as our members.

Many people, whether out of necessity or choice rely on unpaid carers, mostly family members. As well as caring for adult dependants, members may be struggling with balancing their work commitments with caring for their children and grandchildren. Many unpaid carers, whether of adults or children, are being driven from the workplace because work life balance is just too difficult.

UNISON is fighting alongside its members to save children's services from cuts and privatisation, and improve the rights of workers in this sector www.unison.org.uk/at-work/local-government/key-issues/cuts-to-local-services/

And UNISON continues to campaign on behalf of and with public sector care workers through our **Save Care Now** campaign www.savecarenow.org.uk. We

recognise the vital service that home care workers provide. But we also know how councils are allowing care providers to cut corners, and how the elderly and disabled people that need homecare are not getting the support they should.

Why negotiate a carers' policy?

- i. Most workers at some time within their working lives take on the responsibilities of caring for others, whether that is children, elderly relatives, partners or other dependant adults. This is the same for the members of your branch or workplace – perhaps it even directly affects you!**



- ii. Caring responsibilities are a key reason that workers request flexible working or special leave but too often these are refused. Carers may also experience unfair treatment at work that could be discriminatory. By agreeing good carers' policies, the number of cases requiring steward representation could be reduced, freeing up steward time.**
- iii. A good policy will highlight how UNISON values its members and recognises the daily challenges of juggling care responsibilities and work commitments, which could result in an increase in your branch's activist base.**
- iv. Agreeing successful policies for a wide range of workers can be a useful recruitment tool, advertising the benefits of joining UNISON for all, as well as how UNISON reps have expert negotiation skills when dealing with employers.**

How to use this guide

The guide has the following sections that you can dip into as relevant in your workplace.

1. Carers in the workplace – they’re everywhere!page 4

This section will help increase your knowledge about the many workers who have caring responsibilities, and can be used to highlight how the issue is inevitably of relevance to your branch and workplace.

2. The law and carerspage 7

This section outlines the bare minimum that an employer must consider in relation to carers’ rights at work – this would be the starting point for branches or reps in their preparations for any negotiations. Do current policies and procedures provide these basic rights? And how can they be improved on so that workers are better supported?

3. What sort of support can help workers with caring responsibilities?page 12

This section looks at the specifics of how basic rights and protections can be improved upon through negotiation to better support carers in the workplace, as well as some of the external sources of support available to carers.

4. Putting the case to employerspage 20

To assist the branch or reps with negotiations, this section provides facts and figures, alongside those in section 3, as well as the arguments to help make the case to the employer for improvements and to establish an agreed carers’ policy.

5. Model carers’ policypage 22

A example carers’ policy is included that branches and reps can use for negotiations with employers.

1. Carers in the workplace – they’re everywhere!

Every day, 6,000 people become carers, and numbers are increasing.

A caring responsibility may happen overnight with someone close to you suddenly taken ill, or else it may be a more gradual commitment, as elderly or disabled loved ones need help to continue to live independently.

As Giles Meyer of the **Carers Trust** (<https://carers.org>) says:

“Three in five of us will become a carer at some point in our lives, that’s why it is vital that we help to raise awareness of carers and the important role they play in their families and within the community.”

It can be extremely challenging financially, emotionally and physically balancing a carers’ role alongside work. Sometimes it can lead to burnout for some carers where they simply cannot continue doing both.

Carers UK (www.carersuk.org/) strongly recommend that employers

“should put in place policies to support employees juggling work and care and raise awareness of the support available in the workplace so that carers feel included and supported at work.”

Definitions of ‘carer’

The Carers Trust <https://carers.org> defines a carer as “anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support”.

Carers UK www.carersuk.org defines a carer as someone “supporting a loved one who is older, disabled or seriously ill.”

Employers for Carers www.employersforcarers.org defines carers as “employees with significant caring responsibilities that have a substantial impact on their working lives. These employees are responsible for the care and support of disabled, elderly or sick partners, relatives or friends who are unable to care for themselves.”

Under the statutory employment right for time off for dependants if they are involved in an emergency, dependants are defined as a spouse, partner, child, grandchild, parent, or someone who depends on you for care.

To be eligible for Carers Allowance or Carers Credit, the emphasis of eligibility is on what sort of benefit (such as Personal Independence Payment) the person being cared for receives, rather than the relationship, more details from **Gov.UK** www.gov.uk/browse/disabilities/carers

Key facts

- There are 4.27 million carers of working age living in the UK; 2.44 million (57%) of these are women and 1.83 million (43%) are men.
- Analysis by the University of Leeds suggests that Black families (or 'Black, Asian and Minority Ethnic families' as described by Carers' UK) are more likely to provide care for older or disabled loved ones.
- Black carers are less likely to be receiving practical and financial support with caring and more likely to miss out on accessing support for longer – often as a result of a lack of advice and information and struggling to access culturally appropriate services.
- According to the NHS Information Centre Survey of Carers in Households 2010, 27% of carers were in receipt of Disability Living Allowance as a result of their own impairment or ill health.
- Nearly one in eight workers is a carer.
- One in four older female workers, and one in eight older male workers, have caring responsibilities.
- Most of the care that men provide is to their spouse or parents, whereas women are more likely to provide care to a broader range of people including non-relatives.
- Sandwich carers – those who care for both sick, disabled or older relatives and children – are more likely to report symptoms of mental ill-health, feel less satisfied with life, and struggle financially compared with the general population.
- One in five carers gives up employment to care.
- More have reduced their working hours, particularly women.
- Over half of those who are not working say that they want to do so.
- Women sandwich carers – who account for 68% of those providing at least 20 hours of adult care per week – are more likely to feel unable to work at all or as much as they'd like.
- 7 in 10 (70%) working carers have used their annual leave to care and almost half (48%) have done overtime to make up hours spent caring.
- 16% of carers said that the leave available from work was insufficient to be able to manage caring alongside work.
- 18% were unable to negotiate suitable working hours, with many unable to find the flexible or part-time style of working which they are looking for.

(sources: [Carers Trust](#), [Carers UK](#) and [The Office for National Statistics](#) www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/articles/morethanoneinfoursandwichcarersreportsymptomsmentalillhealth/2019-01-14 and www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/ageing/articles/livinglongerhowourpopulationischangingandwhyitmatters/2019-03-15)

Identifying carers in the workplace

Employees often do not identify themselves as a carer, particularly when the support they give is for unpredictable, non-routine and unplanned situations, or when it is for a close family member or for someone not living with them.

Raising the issue with their line manager or HR may also be difficult. Many workers may worry that employers will consider them less committed to their job and feel at risk if they request support, particularly in a workplace environment of cost-cutting and redundancies.

As well as encouraging an open culture of trust and communication, employers should train managers about the issues for carers. This should highlight why it is important that carers are supported, and how best to communicate with carers so that they know they are valued. It should also stress the need for personal information being treated confidentially.

An anonymous staff survey could help identify the extent of the issue in the workplace for the employer, as well as any specific difficulties encountered. A survey could also help in introducing to all the idea of 'carers' and 'caring' and the valuable unpaid work they do.

Raising awareness

Raising awareness in the workplace about carers, for example during **Carers Week** www.carersweek.org (usually in June each year) can also ensure that employees



struggling with caring commitments still feel valued in the workplace. Carers Week is an annual campaign to raise awareness of caring, to highlight the challenges carers face and recognise the contribution they make to families and communities throughout the UK.

Carers' Rights Day www.carersuk.org/news-and-campaigns/carers-rights-day (usually at the end of November each year) brings

organisations across the UK together to help carers in their local community know their rights and find out how to get the help and support they are entitled to.

National Dementia Carers Day www.nationaldementiacarersday.co.uk (usually in September during Alzheimer Awareness Month) aims to highlight the huge number of informal and family carers who provide innovative and compassionate support for relatives with dementia every day.

Carers Week, Carers' Rights Day and National Dementia Carers Day activities could also provide an opportunity for your branch and workplace reps to initiate negotiations with the employer about better support for employees with caring responsibilities.

2. The law and carers

Carers have a number of different rights and protections in the workplace, under statutory law, and these are listed below.

There may be a more generous provision at your workplace and if so, these are likely to be listed in the contract of employment or included in the workplace policies and procedures.



Parental leave

Working parents are entitled to statutory maternity, maternity support (often referred to as paternity), adoption and shared parental leave and pay.

Additionally those with at least one year's continuous service are entitled to unpaid parental leave for up to 18 weeks per child (aged under 18). Although the statutory entitlement is unpaid, many organisations have agreements in place that provide some form of payment for at least some of the 18 week entitlement. They may also offer greater flexibility in how the leave is taken and the notice given. Statutory entitlement only allows for the leave to be taken in blocks of at least one week (unless the child is disabled) and 21 days' notice must be given to the employer with specified start and end dates.

Find out more in the bargaining guide '[Negotiating for working parents'](http://www.unison.org.uk/content/uploads/2019/03/Negotiating-for-working-parents-03-2019.pdf)

Dependant's leave

Employees have a legal right to take reasonable unpaid time off to take action:

- i. when the dependant is injured or assaulted, falls ill or gives birth
- ii. when the dependant who is ill or injured requires care arrangements to be made
- iii. or when their care arrangements are unexpectedly disrupted or ended
- iv. when the dependant has died
- v. to deal with an incident at the school or nursery which the employee's child attends.

The legal definition of a dependant is a spouse, civil partner, child, parent or person living in the same household (though not an employee, tenant or lodger). In addition it includes someone who reasonably relies on you for assistance such as an elderly neighbour, if they are ill or to make care arrangements for them.

ACAS¹ guidance suggests that the time off allowable is normally a day or two, but it depends on what is reasonable in the particular circumstances.

Dependant's leave may be included in policies and contracts under the heading of 'Time off for dependants', 'Compassionate leave' (although this usually just covers those employees who have experienced the bereavement of a dependant), 'Special leave' or 'Emergency leave,' or within a separate 'Carer's leave' policy.

Find out more in the bargaining guide '[Compassionate leave \(or time off for dependants guide\)](http://www.unison.org.uk/content/uploads/2016/05/Compassionate-Leave-Guide.pdf)' www.unison.org.uk/content/uploads/2016/05/Compassionate-Leave-Guide.pdf

Flexible working

Flexible working may be of particular benefit for workers who find it difficult to balance their work life with their caring responsibilities (as well as other personal commitments).

Workers should be encouraged to think about asking for flexible working rather than just giving up work altogether.

Some examples of flexible working include:

Flexi-time	Employees' weekly hours may be set and they may have to work within 'core hours' depending on the business needs, however they have some flexibility in how they work their hours.
Homeworking or teleworking	This is where an employee will either spend all their time working from home or part of the working week. UNISON has a separate guide to homeworking and a model agreement. ²
Job sharing	This is where two employees will share the job role normally done by one person.
Part-time working	Employees may decide to request working shorter or fewer days each week.
Term-time working	This is when an employee does not work during the school holidays and will either take paid or unpaid

¹ www.acas.org.uk/index.aspx?articleid=3235

² www.unison.org.uk/content/uploads/2017/06/Homeworking-GuideJune2017.pdf

	leave. Some employers will calculate an employee's pay pro rata over the year to allow for this.
Shift-swapping or self-rostering	Employees agree to swap shifts between themselves and negotiate between colleagues when they need time off.
Staggered hours	This is when an employee has different starting and finishing times allowing a business to run outside normal working hours.
Compressed hours	This is when an employee can work their weekly hours over fewer days e.g. nine day fortnight.
Annualised hours	<p>Annualised hours are often used for shiftworkers. They are useful with dealing with big variations in demand throughout the year. An employee's hours are calculated over a year and then they are split into fixed shifts and reserved shifts which can be agreed on a more flexible basis.</p> <p>However in practice, some employers may use annualised hours as a way of cutting costs. At worst, they may involve workers doing longer hours, being required to come in at times that do not suit them, and receiving lower financial compensation than might have been available with a traditional weekly hours contract. They therefore need to be approached with caution by UNISON branches and reps.</p>
Voluntary reduced worktime, also known as V-time	<p>This is a temporary period of reduced working hours as agreed between the employer and employee, normally to cover a specific current or anticipated need of the employee.</p> <p>Employees can work fewer hours in exchange for reduced salary and benefits. The agreement is often set for a certain amount of time, reverting back to standard contractual hours at the end of the period.</p>

In England, Wales and Scotland, all employees who have at least 26 weeks' continuous service, have the right to request flexible working, as long as they haven't already made a flexible working request within the last 12 months.

Employers must deal with the request in a 'reasonable manner' and there is an [Acas Code of Practice](#) that should be followed (www.acas.org.uk/index.aspx?articleid=1616).

Employers can only refuse requests for specific reasons including³:

- extra costs that will damage the business
- the work can't be reorganised among other staff
- people can't be recruited to do the work
- flexible working will affect quality and performance
- the business won't be able to meet customer demand
- there's a lack of work to do during the proposed working times
- the business is planning changes to the workforce.

In Northern Ireland you must be an employee (not agency worker) to request flexible working, have worked for your employer continuously for 26 weeks and have not made an application to work flexibly in the past 12 months. The employer must have a good business reason to reject the application.

Find out more in the toolkit '[Flexible working - making it work](#)'

www.unison.org.uk/content/uploads/2014/09/On-line-Catalogue225422.pdf .

Disability discrimination by association

Under the Equality Act 2010, it is unlawful to directly discriminate against an employee because they are associated with someone who has a protected characteristic (excluding marriage and civil partnership, and pregnancy and maternity). This means that someone who is caring for a disabled dependant would be included in this protection if they are treated unfavourably on the basis of their dependant's protected characteristic such as disability.

Under the Equality Act, a person has a disability if they have a physical or mental impairment that has a substantial, long-term (i.e. having lasted or likely to last at least 12 months or more) adverse effect on their ability to carry out normal day-to-day activities. Certain conditions such as HIV, cancer and multiple sclerosis are expressly included even if there are no adverse effects on day-to-day activities.

Acas provide the following example of potentially discriminatory treatment:

“A candidate who has been told she is getting a job is suddenly deselected after revealing she has a severely disabled child with complicated care arrangements. The withdrawal of the job offer could amount to discrimination because of her association with a disabled person (disability being a protected characteristic).”

³ www.gov.uk/flexible-working/after-the-application

Other examples might be a refusal to grant time off, lack of promotion, or harassment of the employee because they are also caring for a disabled person. However it does not necessarily mean that a carer of a disabled person should be treated more favourably, for example being provided with more time off than if they were requesting it for the care of a non-disabled person.

Case law

Price v Action-Tec Services Ltd

The employment tribunal found that the employer discriminated against an employee who required time off because her husband was seriously ill.

Bainbridge v Atlas Ward Structures Ltd

The employment tribunal found that the employer discriminated against an employee when they decided not to renew a fixed-term contract because the employee had to take time off work at short notice due to his wife's disability.

Truman v Bibby Distribution Ltd

The employment tribunal found that the employer discriminated against an employee with caring responsibilities who was suddenly dismissed shortly after informing his employer that he would require more flexibility in his working hours.

3. What sort of support helps workers with caring responsibilities?

Negotiating **paid parental leave and paid dependant's leave** (improving on the statutory unpaid options), may be seen as the priority for the negotiations between branches and workplace reps and their employers in order to support members with caring responsibilities.

However it should be recognised that much of a carer's responsibility may be ongoing and routine, and a form of leave to cover emergencies would not provide sufficient support to enable carers to fulfil commitments.

Forcing carers to use up annual leave for caring commitments such as accompanying a dependant to their routine medical or dental appointment, will mean that these employees will not fully benefit from the same amount of rest and recuperation offered to other employees through their paid annual leave.



Paid carers' leave

Wider campaigns to improve paid support for carers are well under way and it is hoped that eventually paid carers' leave will become a legal right.

For example, Care UK (in their response to the Government Equalities Office consultation on returning to work after time out for caring, October 2017) called for a new right to **paid care leave of between 5 to 10 days for carers in work**.

The Work and Pensions select committee also recommended that the Government introduce **5 days' paid carer's leave** when resources allow, in their recent report⁴, recognising that "the Government's backing for the Parental Bereavement (Leave and Pay) Bill... shows its willingness to extend this model to support people in other circumstances."

Meanwhile in June 2019, the Council of the European Union adopted a Directive on work-life balance for parents and carers. One of the main elements of the Directive is **carers' leave** - a new concept at EU level for workers caring for relatives in need of care or support due to serious medical reasons. Carers will be able to take 5 working days per year, although Member States may use a different reference

⁴ <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/581/581.pdf>

period, allocate leave on a case-by-case basis, and may introduce additional conditions for the exercise of this right. Member States will have three years to adopt laws, regulations and administrative provisions necessary to comply with the Directive.

The Directive also states: “Although Member States are free to decide whether to provide a payment or an allowance for carers' leave, they are encouraged to introduce such a payment or an allowance in order to guarantee the effective take-up of the right by carers, in particular by men.”

As the European Commission stated:

“this new initiative takes into account the developments in society over the past decade in order to enable parents and other people with caring responsibilities to better balance their work and family lives and to encourage a better sharing of caring responsibilities between women and men.”

UNISON funded research undertaken by Coram Family and Childcare, **[‘Holding on or moving up? Supporting carers and parents in employment’](#)** (www.familyandchildcaretrust.org/holding-or-moving-supporting-carers-and-parents-employment) found that “the most helpful interventions to support people to balance working and caring are thought to be paid carers' leave of 10 to 20 days per year and greater control of working hours. Some people feel that carers' rights and parents' rights past the first year of a child's life should be more similar to rights during maternity and paternity leave.”

Ideally, as well as providing paid carers' leave of at least 10 days, employees should be able to take the leave in single or even half days.

From: **[‘Holding on or moving up? Supporting carers and parents in employment’](#)** (www.familyandchildcaretrust.org/holding-or-moving-supporting-carers-and-parents-employment)

International example: Paid leave for carers in Denmark

In Denmark, employees have the right to take paid leave for up to six months to care for a close relative who is disabled or seriously ill. The carer enters into an employment contract with the local authority who pays them either the salary they were receiving from their previous employer or DKK 22,504 (£2,600) per month, whichever is lower. They will continue to accrue holiday pay and pension benefits, and may divide the care leave up into two shorter periods of three months, or share it between several individual carers, if their employer agrees.

Employees who take up paid leave to look after sick relatives do not have a statutory right to return to their old job, though they cannot be fired for taking care leave either. The right to return to the same role tends to be specified in collective agreements, which cover the vast majority of Danish workers.

More flexible leave arrangements

Negotiating more fair and frequent approvals of flexible working requests could also be particularly helpful to keep carers in employment. The recent report from the Work and Pensions select committee⁵ recommends that carers are given the **right to request flexible working from day one of their employment**.

As the Work and Pensions committee discovered through their enquiry:
“Carers can find it hard to manage their caring responsibilities while rigidly tied to when, where or how they work. Flexible working arrangements are therefore often critical to balancing care and work successfully.”

‘Holding on or moving up? Supporting carers and parents in employment’ (www.familyandchildcaretrust.org/holding-or-moving-supporting-carers-and-parents-employment) reports that “four fifths (82%) of the public said that if they were a parent or a carer, having more control over their hours would help them to balance work and care .”

In addition, if paid carer’s leave is not provided, then branches and reps could negotiate to achieve a more flexible approach to other leave arrangements, such as:

- flexihours allowing carers the ability to make up time off that they have taken to meet their caring responsibilities at another time
- providing matched leave against annual holiday entitlement (such as allowing each day’s leave for caring responsibilities to be counted as half a day’s carer leave and half a day’s annual leave)
- offering a temporary or permanent change in workplace if it would support an employee with caring responsibilities
- providing unpaid leave or a longer unpaid career break while the employee organises their caring responsibilities whilst keeping the job open to return to.

In the poll of UNISON members undertaken by Coram Family and Childcare for **‘Holding on or moving up? Supporting carers and parents in employment’** (www.familyandchildcaretrust.org/holding-or-moving-supporting-carers-and-parents-employment) “being able to take a career break with a guaranteed return to your job was viewed as helpful by 78% of carers and 91% of non-carers... as a way of balancing work and care.”

More certain work patterns

Whilst the caring responsibilities of workers sometimes require flexibility, there may

⁵ <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/581/581.pdf>

often be circumstances where carers, whether parents or carers of adults, require access to more certain work patterns so that they can plan around rigid caring responsibilities.

But the increased use of zero-hours contracts and other casual work contracts, means that a workers ability to plan care responsibilities around work commitments makes it difficult if not impossible. The 2019 local government conference highlighted the move to ‘casualise’ the workforce and voted unanimously to campaign for a change in the law to make zero-hours contracts illegal in local government.

Recent research from the Living Wage Foundation’s new campaign ‘[Living Hours](http://www.livingwage.org.uk/news/living-hours-campaign-launched-tackle-work-insecurity)’ (www.livingwage.org.uk/news/living-hours-campaign-launched-tackle-work-insecurity) found that one in six workers are in insecure, low paid work, with millions facing cancelled shifts, a lack of stable hours, or short-term contracts. The campaign highlights that “while many people choose to work part-time, we have seen a rise in ‘one-sided flexibility’ – including the exploitative use of zero-hour or ‘tiny hour’ contracts as permanent workforce management tools, and false self-employment. This creates financial insecurity and exacerbates in-work poverty... Last minute shift changes also impact on healthy family life and make it difficult to plan childcare [and other caring] arrangements.”

Making sure carers are not treated less favourably in the workplace

“Carers are too often ‘nervous’, even ‘fearful’ of discussing their circumstances with their employer. Stigma still exists” reports the Work and Pensions select committee.

Sadly this stigma can manifest itself in a form of direct discrimination by association as some workers when disclosing their care responsibilities suffer unfair and inconsistent treatment in the workplace.

Therefore it is essential that in any negotiations with the employer, branches and reps check that workplace policies clearly reflect the employer’s commitment to supporting carers. It is key that discrimination by association should be directly considered in the workplace equality and diversity policy and action plan, and also included in the harassment or dignity at work policy.

‘Holding on or moving up? Supporting carers and parents in employment’ (www.familyandchildcaretrust.org/holding-or-moving-supporting-carers-and-parents-employment) reports that “an understanding and trusting manager who takes an employee’s caring responsibilities into account was the kind of support most valued by many of the parents and carers we spoke to.”

The Work Foundation's report '[Who cares? The implications of informal care and work for policymakers and employers](https://www.theworkfoundation.com/wp-content/uploads/2018/11/who_cares_implications_informal_care_work_policymakers_employers.pdf)' (www.theworkfoundation.com/wp-content/uploads/2018/11/who_cares_implications_informal_care_work_policymakers_employers.pdf) highlights the need to “train line managers on how to identify and support carers, including bespoke approaches. Educate them that working carer roles do not mean lack of commitment at work.”

In addition, it is important that carers are not indirectly disadvantaged. For example it would be key for any gender pay gap action plan to ensure that staff development training is accessible to all including those with caring responsibilities.

Carers contact or 'champion' in the workplace

To help raise the profile of the needs of carers, and encourage more to disclose their caring responsibilities and the impact on their working lives, employers could provide a specific person as a 'carers contact' or 'carers champion' who is specifically trained to support and offer assistance to employees with caring responsibilities.

This contact could then link with HR to put some support measures in place as well as signposting to external support.

UNISON reps could also become carer's contacts and provide support to members with caring responsibilities. They could set up a carers' network in the workplace, as well as negotiate with employers on behalf of individual members to assist them when changing working patterns to accommodate caring commitments.

Making sure carers know about the support available

Only 1 in 5 (22%) of UK workers say they know a colleague who provides unpaid care⁶ even though research clearly shows there are many carers in the workplace. Even amongst those who currently work and care unpaid, nearly half (44%) say they do not know anyone else at work who is a carer.

The issue is too often hidden and carers in the workplace can particularly experience:

- a feeling of loneliness or isolation as a result of their caring responsibilities
- a feeling that colleagues and managers don't understand the impact of caring
- a fear of talking about their caring responsibilities.

Regularly raising awareness of the carers' policy and the options of support available amongst employees is key for the successful implementation of a carers' policy. This could take place during recruitment and induction periods, and at special events such as during **Carers' Week** (see section 3 for more details).

Once a policy is agreed jointly with the staff side trade unions it should be circulated to all employees along with a list of national and local support agency contacts for

⁶ www.employersforcarers.org/news/item/download/262_5628c11d6d364d537dd3158b943a4f0d

carers. It could also include details of a workplace employee assistance programme if provided by the employer.

Ideally an employer will also provide training to all staff on this issue and explain the support it offers.

The Work Foundation's report '**Who cares? The implications of informal care and work for policymakers and employers**' (www.theworkfoundation.com/wp-content/uploads/2018/11/who_cares_implications_informal_care_work_policymakers_employers.pdf) has a number of recommendations for employers including the following:

- Introduce 'Carer Champions'. This would raise awareness of working carers and destigmatise caring. It would reassure other working carers that they're not alone and encourage them to share experiences.
- Employers should seek to create a workplace culture where carers are supported with 'carer friendly' policies.
- Set up carers' peer groups or support forums, where carers can share experiences and advice. Businesses could signpost staff to external support forums.
- Provide an online resource, through company employee benefit schemes or HR services, to help carers source practical advice and expert support on topics including care, legal and financial information.
- Offer online or telephone counselling, through services like Employee Assistance Programmes.
- Run workplace awareness campaigns.

A carers' policy

Negotiating a specific carers' policy within the workplace – ideally including paid leave for carers and improved flexible working rights – will raise the profile of the vast amount of employees struggling with ongoing caring responsibilities alongside inflexible work commitments.

Such a policy could provide a framework to show the employer's support for carers and help raise awareness of the unpaid work that carers.

It is important that a carers' policy:

- is developed in consultation with the trade union representatives, and with employees who have caring responsibilities so that it can be appropriate and useful
- includes a clearly stated commitment from the employer to set out the support on offer to their employees who have a caring responsibility in order to help them balance working and caring commitments
- contains the employer's definition of a carer as this will help ensure a shared understanding of the role, and outline the specific responsibilities for managers, human resources and employees
- is reviewed and monitored on a regular basis as this will allow the employer and staff side trade unions to gauge how the policy is working and identify any changes that would make the policy work better
- reassures employees that any information given by them will be treated confidentially and only shared with the express permission of the employee, and that managers are fully compliant with the data protection regulation.

Case study

Under the Agenda for Change terms and conditions of service, all **NHS employers** must have a carers' policy to address the needs of people with caring responsibilities and to meet the requirements of the 'right to request' flexible working legislation. This policy should emphasise the benefits of flexible working arrangements, balancing work and personal life and employment breaks.

www.nhsemployers.org/retention-and-staff-experience/health-and-wellbeing/protecting-staff-and-preventing-ill-health/taking-a-targeted-approach/supporting-carers-in-the-workplace

External information, advice and support

Carers UK www.carersuk.org The aim of this charity is to make life better for carers. They give expert information and advice, champion carers' rights and support carers in finding new ways to manage at home, at work, or wherever they are.

Employers for Carers www.employersforcarers.org provides practical advice and support for employers seeking to develop carer friendly policy and practice and retain skilled workers; identifies and promotes the business benefits of supporting carers in the workplace; influences government and employment policy and practice to create a culture which supports carers in and into work.

Carers Trust <https://carers.org/> is a major charity for, with and about carers and work to improve support, services and recognition for carers.

NHS choices www.nhs.uk/conditions/social-care-and-support-guide/ provides information from the NHS for carers and people who are planning for their future care needs, including details of the **Carers Direct Helpline** www.nhs.uk/conditions/social-care-and-support/carers-direct-helpline/

Age UK www.ageuk.org.uk/information-advice/care/helping-a-loved-one provides sources of emotional, practical and financial support that are available to carers of older people.

Independent Age www.independentage.org/information/support-care/support-for-carers/getting-help-if-youre-a-carer provides information about the support available to carers.

Macmillan Cancer Support www.macmillan.org.uk/information-and-support/audience/looking-after-someone-with-cancer.html provides support and advice to those caring for loved ones with cancer.

Alzheimer Research UK www.alzheimersresearchuk.org/about-dementia/helpful-information/support-for-carers/ provides details of information, support and care services to people with dementia as well as their families and carers.

Contact <https://contact.org.uk/> is a charity for families with disabled children providing guidance and information, bringing families together to support each other, to campaign, volunteer and fundraise to improve life for themselves and others.

There for You www.unison.org.uk/get-help/services-support/there-for-you/ Members experiencing financial and emotional difficulties can contact UNISON's welfare charity, There for You, which provides a confidential advice and support service for members and their dependants.

4. Putting the case to employers

Employers need to be made aware that they are very likely to have carers working for them already, whether they have told the employer or not. The statistics prove it (see section 1) and the numbers are increasing.

The business case for agreeing a workplace carers' policy includes the potential to:

- Keep experienced staff within the workforce – the peak age for caring is between 50 and 64 therefore carers are likely to be among the most skilful and experienced employees.
- Reduce staff turnover and the high cost of recruiting replacement staff. Carers UK have found that too many employers in both the private and public sectors believe that caring responsibilities are a key but often hidden reason for people leaving work. In contrast the Work and Pensions select committee cite research in their Thirteenth Report of Session 2017-19 that shows that flexible workplaces (of particular benefit to carers) improve staff morale and satisfaction, business productivity, recruitment and retention, and ultimately profitability.
- Reduce the knock-on effect of a high staff turnover on customer service, customer retention and output.
- Reduce management time spent on dealing with absences if agreed policies and procedures are in place.
- Cut sickness absence brought on by the mental and physical impact of juggling demanding caring and work responsibilities – employees who have significant caring responsibilities are much more likely than those without to be in poor health. Carers UK report that “carers working full time and providing 50 hours or more unpaid care per week are 2.4 times (men) and 2.7 times (women) more likely to have ‘not good’ health than those working full-time not providing unpaid care”.
- Help address any pay gap identified in gender pay gap reports – a strong contributing factor is women stepping out of the labour force to have children and the tendency for women to take on the caring roles for family members, therefore having to take on part-time, often lower paid work to be able to balance work with caring responsibilities.
- Raise productivity and improve loyalty and job satisfaction by ensuring staff are able to focus on work whilst at work, without constantly worrying about the needs of dependants and how they can be managed.
- Improve people management and staff morale across the organisation – this is likely to be of benefit to the majority of workers at some time in their working lives, including managers.

- Reduce operational costs – introducing flexible working practices for carers has been proven by employers to save them money with fewer stress-related absences, increased productivity and increased staff retention, as well as taking into account all the lost investment they have made into training and developing of staff members should they then leave due to work pressures.

And last but not least, it's the right thing to do, and recognises that caring for others is part of being human!

Case study

In May 2019, Centrica and Carers UK called on the Government to introduce 5 to 10 days of mandatory paid carers leave for all employers. Centrica estimates show that UK companies could save up to £4.8 billion a year in unplanned absences and a further £3.4 billion in improved employee retention by adopting flexible working policies to support those with caring responsibilities.

Centrica announced a change to its carers policy giving employees more paid for leave, without using annual leave allowances, to meet their caring responsibilities. It now offers 10 days paid leave to all its carers followed by another 10 days that can be taken if matched with annual leave. Previously, Centrica employees would need to take a day of annual leave to use one of their 20 days of paid for carers leave. The company also provides flexible working from day one of becoming a carer and a carers network which offers peer support.

From the **Work Foundation's report 'Who cares? The implications of informal care and work for policymakers and employers'**

(www.theworkfoundation.com/wp-content/uploads/2018/11/who_cares_implications_informal_care_work_policy_makers_employers.pdf):

“The business case for supporting carers in work is clear. They represent an ever growing share of the workforce. Caring responsibilities tend to peak around the ages of 45-64, which is also when people are most likely to hold senior positions. Thus, replacing these individuals is difficult and costly. They have valuable experience and skills employers can ill afford to miss out on. Caring responsibilities also impact on employee productivity and are a common cause of workplace absence. As the number of working age carers grows, employers will be under increasing pressure to support them; it is in their interests to do so.”

5. Model carers' policy

The following model policy can be used in the workplace to help support carers. Please note that the text in square brackets [...] indicates where you need to complete information specific to your workplace, or else are notes for you to consider in relation to your negotiations.

Policy Statement

[Name of employer] recognises that employees with caring responsibilities may find it difficult at times to balance inflexible work practices alongside caring responsibilities and it is our policy to support these employees.

[Name of employer] is committed to developing a workplace culture that supports employees with caring responsibilities in order to help them balance their working and caring commitments, and continue to be effective in their job, in order to help us recruit and retain these employees.

[Name of employer] will not tolerate discrimination, victimisation or harassment on the basis of a person's caring responsibilities and we aim to give carers the same recruitment and career opportunities.

This policy is part of **[name of employer]**'s commitment to family friendly working, and it seeks to benefit the welfare of individual members of staff; retain valued employees; improve morale and performance and enhance the reputation of **[name of employer]** as an employer of choice.

Scope of Policy

This policy applies to all staff who are employed at **[name of employer]**.

This policy is supported by and developed with the trade unions representing the employees.

Definition of a carer

[Name of employer] defines carers as any employees who care, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction needs their help to live independently.

These caring responsibilities may be wide ranging and include (but are not limited to):

- personal care
- help with the dependant's mobility
- assistance with the management of medication
- practical support such as housework, help with financial matters and administration

- emotional support.

A caring responsibility may happen overnight with someone close to you suddenly taken ill, or else it may be a more gradual commitment, such as for elderly or disabled dependants who need help to continue to live independently.

Employees are encouraged to let their line manager or HR know that they have caring responsibilities so that appropriate support is provided. Such information will be treated confidentially and in accordance with **[name of employer]**'s data protection policy.

Support for carers

[Name of employer] recognises that caring responsibilities can be unpredictable, demanding and impact on the carer's health and wellbeing, and we aim to provide as much support as is reasonably practicable for individuals.

Employees with caring responsibilities for children should find out about the parental leave available, outlined in the **Parental Leave and Pay policy** which can be found **[include a link or signpost to the appropriate policy]**.

Employees with caring responsibilities for adult dependants can apply for the following options for support:

- a) Flexible working (including options for flexitime, compressed hours, homeworking, job-sharing, part-time working, term-time working, annualised hours, shift-swapping, voluntary reduced time **[amend as appropriate]**), more details to be found in the **'Flexible working policy and procedure'** at **[include a link or signpost to the appropriate policy]**.
- b) Paid **[if paid, if not this could be one of your priorities for negotiation]** emergency leave for dealing with unexpected issues at short notice, more details to be found in the **'Emergency leave policy'** at **[include a link or signpost to the appropriate policy]**.
- c) **Paid carers' leave** – in addition to emergency leave, carers may need time off work to fulfil other caring responsibilities such as (but not limited to):
 - i. attending medical appointments with a dependant
 - ii. dealing with a dependant's discharge from hospital
 - iii. to look after someone who is recovering
 - iv. providing emotional and/or practical support to a dependant who is particularly vulnerable physically or mentally.

Line managers may grant employees paid time off up to 10 days (20 in exceptional circumstances) **[this could be negotiated, perhaps in line with any paid parental leave provided]** in one leave year.

Carers' leave may be taken:

- as a single block
- as a number of shorter periods of a minimum of half a day.

Staff should contact their line manager as early as possible to inform them of the particular caring commitment and to request leave. Where an employee has to accompany someone to a planned appointment, they should give their line manager as much notice as possible.

For staff who have ongoing caring responsibilities for a dependant, these will be dealt with on an individual basis. Any difficult to resolve situations should be referred to the HR department for advice and support.

- d) **Unpaid** *[this could be negotiated so ideally not entirely unpaid, perhaps in line with any long-term sickness absence pay with a provision for periods of reduced pay before being completely unpaid or if unpaid in line with any specified periods of sabbatical offered to staff]* **extended carers' leave** – where the leave requested by an employee with caring responsibilities is for an extended period, such as when the carer is looking after someone who is recovering from a serious illness or who is terminally ill, additional unpaid leave up to a period of 6 **[or more as negotiated]** months in total will be provided.

Any situation where an employee requires more than 6 months off will be considered sympathetically and practical, feasible alternatives considered, such as flexible hours and/or working at home.

Members of staff wishing to apply for extended carer's leave should apply in writing to their line manager in the first instance with full reasons for the request and length of anticipated absence. Any difficult to resolve situations should be referred to the HR department for advice and support.

[Name of employer] will provide temporary staff cover wherever possible, where there is a lengthy absence due to caring responsibilities.

- e) **Other arrangements** – the needs of employees with caring responsibilities may be very simple and may not require time out of the workplace, but may require other arrangements, such as (but not limited to):
- i. the need to have predictable, regular work patterns to be able to plan for caring needs well in advance
 - ii. the need to leave work on time
 - iii. the need to have access to a telephone during the day in a private space
 - iv. information made widely available including on the staff intranet of external sources of support.

Confidential support is available for individual employees from the **employee assistance programme** and this may include counseling if appropriate, in addition

to practical information and advice. ***[include a link or signpost to further information.]***

Responsibilities of managers

Line managers should ensure that all employees are aware of this policy and understand their own and the employer's responsibilities. Training on carers' issues will be provided to all managers.

Line managers should encourage employees to disclose that they have caring responsibilities by encouraging discussion around carers' issues and highlighting the support available.

Line managers (with the support of HR where requested) should discuss the carers' support options available for employees with caring responsibilities and encourage them to access the support offered.

Line managers will consider all requests for carers' support sympathetically and will not discriminate against those employees who have caring responsibilities. All employees must be treated fairly and consistently. Employees need to be confident that they will not be treated less favourably if they take up any support available to carers.

[Name of employer] will take seriously and investigate any complaints of discrimination, harassment or victimisation, using the agreed procedures and respecting confidentiality.

All requests for carers' support must be dealt with confidentially and in accordance with the data protection policy.

Line managers will support employees in informing their colleagues about the situation if appropriate.

Responsibilities of employees

Employees are encouraged to inform their manager if they are caring for someone and need any support, so that they can best balance work and care commitments.

Employees should report any instances of harassment, victimisation or discrimination experienced because of their caring responsibilities.

If an employee is found to have harassed, victimised or discriminated against another employee in relation to their caring responsibilities, then they will be seen as having committed a disciplinary offence.

Trade union involvement

Consultation will take place with the recognised trade union on the implementation, development, monitoring and review of this policy.

Union reps will be given training equal to that of managers and supervisors and sufficient time to carry out their duties.

Review and monitoring

[Name of employer] will ensure that all new employees, supervisors and managers will receive induction on the policy.

Adequate resources will be made available to fulfil the aims of this policy. The policy will be widely promoted, and copies will be freely available and displayed in **[name of employer]'s** offices and through the staff intranet **[amend as appropriate to your workplace]**.

This policy will be reviewed jointly by unions and management, on a regular basis.

Further information

Carers Trust <https://carers.org>

Carers UK www.carersuk.org

Signatories

This agreement is made between **[name of the employer]** and UNISON, a registered trade union.

This agreement comes into force on:

Date:.....

This agreement will be reviewed on:

Date:.....

SIGNED for **[name of the employer]**

DATE

SIGNED for UNISON

DATE