

# Promoting new measures for the protection of women workers with oncological conditions

## Draft code of Ethics

The 2008 project *Promoting new measures for the protection of women workers with oncological conditions by means of social dialogue and company-level collective bargaining*<sup>1</sup>, included a series of initiatives intending to promote awareness-raising and information campaigns on this issue, aimed at company management and human resources departments. The aim of these initiatives is to create effective strategies for the protection of women workers with oncological conditions.

The project is also intended to draft a Code of Ethics and a Memorandum of Understanding among social partners, in order to help people with this specific condition (especially women workers with breast cancer) to return to work, providing them with part-time or flexible working activities, and safeguarding their career prospects. The draft Code of Ethics should include information about prevention activities and strategies, such as the provision of sick leave to undergo special tests and medical examinations, in order to prevent and combat the disease.

The project also includes experimental activities, such as the implementation of the Code with the participation of networks (colleagues, partners, and collaborators). **Our main objective is to consult a wide range of experts and professionals**, with a considerable and diversified experience in the field, **in order to gather useful information for the definition of a draft Code of Ethics** with widespread support to be sent to the European Commission before January 2009. The document will contain a number of suggestions about the strategies to be used both by employers and the employee coming to terms with the oncological condition.

The main legal source used in drafting the code is the European Parliament resolution of 10 April 2008 on *Combating Cancer in the enlarged European Union*<sup>2</sup>, which urges the Commission "To draft a Charter for the protection of workers with oncological conditions and chronic diseases at the workplace, according to which enterprises should allow them to maintain their position during the medical treatment, and to facilitate their reinstatement" (point 35).

This phase of the project will be implemented in Italy and in the other countries taking part in the project, such as France, Sweden, and the Netherlands, in the hope that the number of people and authorities involved will increase.

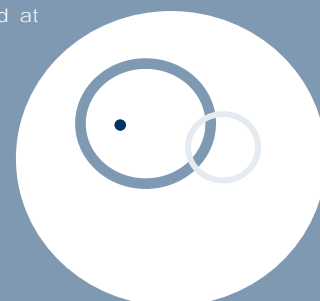
It is intended to collect as many comments and experiences as possible, starting from the Adapt network, which has always been strongly aware of the issue, as well as the Europa Donna Forum.

With regard to Italy, the *Manifesto for the human rights of workers with oncological conditions* (available in Adapt Dossier no. 3, 14 March 2008)<sup>3</sup> was drafted in cooperation with Adapt, Marco Biagi Foundation, and Europa Donna and presented to the Italian President, Giorgio Napolitano, on 8 July 2008. It puts into practice European guidelines aimed at improving existing legislation providing

<sup>1</sup> The research project is co-funded by the European Commission VP/2007/001 – Budget Heading 04.03.03.01 – Industrial Relations and Social Dialogue, Call For Proposals 2007, VP/2007/001. The reference material can be consulted at [www.fmb.unimore.it](http://www.fmb.unimore.it), Research session (in Italian).

<sup>2</sup> P6\_TA-PROV(2008)0121 Resolution, in [www.fmb.unimore.it](http://www.fmb.unimore.it), A-Z Index, *Patologie Oncologiche e Lavoro* (in Italian).

<sup>3</sup> Available at [www.fmb.unimore.it](http://www.fmb.unimore.it), A-Z Index, *Patologie oncologiche e lavoro* (in Italian).



protection for workers with cancer.

In this connection, considerable attention is paid to the following points, which are considered to be essential:

- **the extension of the grace period**, which is insufficient to meet sick workers' needs at the moment;
- the safeguarding of employment for workers with cancer, also by the adoption of **more flexible contracts**, such as part-time;
- the promotion of a number of **initiatives to facilitate a return to work after completing medical treatment**.

The draft Code of Ethics is as follows:

This company acknowledges that workers with oncological conditions are vulnerable at an emotional level, since they have to safeguard their employment and receive treatment for their illness at the same time (surgical operations and life-saving treatment). Therefore, the company recognizes and protects their right to transform the employment relation from full-time to part-time in this difficult situation, also providing them with the opportunity to return to a full time contract after recovering.

This company undertakes to inform its employees about existing measures providing them with legal protection in the event of oncological conditions affecting them or their relatives, who might need medical assistance because of their condition. It also undertakes to inform them about any supplementary measures amending existing legislation in this connection.

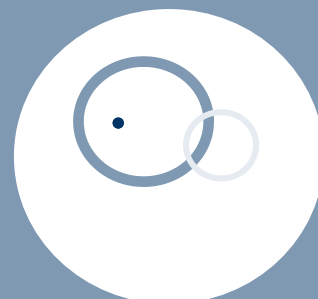
Employees with this an oncological condition are granted the right to be reassigned to a more compatible task, taking account of their state of health or reduced working capacity.

Employees of the company with an oncological condition are also granted an extension of the grace period, on the basis of their length of service, in the event of serious illness, disabling ictus and multiple sclerosis, full-blown AIDS, and serious illness requiring life-saving treatment (e.g. chemotherapy), the terms of which have to be agreed with the human resources department.

This company provides the sick worker with remuneration during the grace period (the length of which shall depend on the employment contract and years of service), showing its effort to meet individual needs. Most collective agreements make provision for the entire amount for a certain period (usually in the early stages), after which it is reduced by 50%.

In order to allow sick workers to continue in or return to employment, this company does not calculate for the purposes of sick leave time spent for day hospital treatment, life-saving treatment (chemotherapy and haemodialysis), and days spent in hospital during the grace period.

This company undertakes to arrange more suitable working hours and to seek a solution for organizational and management issues, on the basis of sick workers' specific needs (medical treatment, special tests, etc.).



This company also provides for the opportunity for the worker to request additional leave of absence.

At the end of the time limit for maintaining the employment position, this company provides that workers certified as fit to work will be reassigned to more suitable tasks in the same category, in cases in which they are unable to continue in their previous position.

This company undertakes to develop ad-hoc initiatives aimed at creating effective instruments to strike a balance between work commitments and personal life, in order to safeguard the wellbeing of the individual and his/her family, by means of flexible work organisation and service networks.

This company recognizes and protects the right of the sick workers's relatives (partner, parent, or child) or cohabitant to take care of them during medical treatment, offering more flexible working hours, in order to help them to provide assistance.

### **Your contribution to research**

The following questions are intended to give you the opportunity to share with us not only related considerations about oncological conditions, but also information on good practices and practical examples in the world of work of effective measures linked to this issue. Feedback from the questionnaire will be used to draft guidelines enabling management and human resources departments to acquire a greater understanding and awareness of the question, since they are directly involved.

In your company, has there ever been a case of a worker with oncological conditions? If so, what kinds of measures were adopted to support him/her?

Does the applicable collective agreement implement provisions for workers with this specific condition? Does your company have specific regulations dealing with the issue?

Are you aware of specific preventive measures ("good practices") adopted by your company concerning the rights of workers and their relatives in the event of oncological conditions? If so, can you describe them?

Do you agree with the draft Code of Ethics? Do you wish to make any comments or express an opinion, also considering your personal experience?

It would be much appreciated if you could indicate your position and professional status, to assist us in compiling and interpreting the results of the questionnaire.

Thank you in advance for filling in and returning this questionnaire.

Please return it to [csmb@unimore.it](mailto:csmb@unimore.it)

Adapt – Marco Biagi Foundation – Europa Donna

