

Court win highlights plight of sacked cancer sufferers

EXCLUSIVE

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A Melbourne mother of three sacked after she asked to take leave for breast cancer treatment says she was shocked when she found out other women were pressured to quit their jobs after being diagnosed with cancer.

Liz Tapping, 56, reached a financial settlement with her employer, Empress Diamonds, after the Federal Circuit Court found the company contravened the Fair Work Act by terminating her employment because she proposed to exercise her rights to take personal and annual leave to have surgery and treatment.

Advocates for women with breast cancer said the case highlighted the discrimination faced by some women after they are diagnosed, and how they can be forced to resign, leaving them financially vulnerable.

Ms Tapping said after she lost her job in 2019, she decided to fight her dismissal. During her treatment, she said she spoke to a "lot of women" with cancer who said they had decided to resign from their jobs because they were "pretty much told that they couldn't keep their job and because they had a husband that could look after them".

"I didn't have that luxury of having someone to look after me, focusing on my treatment and not getting into a fight with my employer," she said. "I was a single mum with three children, and I needed my job desperately. I had a mortgage. I just bought myself a new car. I knew I had cancer but I assumed people get cancer all the time and continue to work.

"At the hospital, they were telling me there was absolutely no

reason why I couldn't continue to work and juggle my treatment around my work, and my work would be completely sympathetic to me. And that's how I was thinking at the time".

Judge Karl Blake found after Ms Tapping told her employer she had to take leave for a breast cancer operation, he asked her how long she would be off work. She said that the company accountant had told her she had

accrued holiday and sick leave to cover her absence.

Judge Blake said he was satisfied her employer told Ms Tapping he had a business to run. When she asked whether she was being given the "sack", he either replied "yes" or told her not to come back.

Ms Tapping said when she discussed her legal battle with other women undergoing cancer treatment who had quit their jobs, they told her "you're incredibly brave, I wouldn't have had the strength to do that, as well as the treatment".

"I don't think I was brave," she said. "I just think I needed to survive. I could have lost everything. I could have lost my house. I had to send my children back to their father and I couldn't afford to look after them at the time.

"That was a terrible thing to have to do to them. They had to go full-time to their dad as I was on unemployment benefits which I have never been on in my whole, entire life. It was totally unfair and just shattering for me. It really was shattering, so I was devastated by the whole thing."

She said she eventually found another job, finding she could per-

form work while undergoing treatment. The cancer has now returned, spreading to her spine, liver and lungs and she has been

diagnosed as terminal and unable to work.

Vicki Durston, director of policy, advocacy and member support at Breast Cancer Network Australia, said employers faced a complex situation when employees were diagnosed with cancer.

"We often hear this happens, not because employers are mean and nasty," she said.

"Occasionally we do, but it's more a lack of understanding, and

not having the resources and tools to understand how to actually tackle the challenge of one of their employees having a cancer diagnosis.

"People need to work so I think Liz's case demonstrates it's really important employers take a lesson from this story that really it is about making sure that you have the conversation with your staff, and you understand what this means and knowing your rights."

Alan McDonald, managing director of McDonald Murholme, the law firm representing Ms Tapping, said employers were quick to

take up popular causes like breast cancer research but not as enthusiastic about helping individual workers.

Ms Tapping said employers should be prepared to support their employees when they received a cancer diagnosis.

"As I said to my employer, 'It's not my fault I got cancer - I didn't ask to get sick'," she said.

"They should be able to help employees and support them through their cancer treatment and keep their job for them."



AARON FRANCIS

Single mother of three Liz Tapping was sacked by her employer because she asked to take leave to receive breast cancer treatment