



The Work Couch

Navigating today's tricky people challenges to create tomorrow's sustainable workplaces

RPC

Season 3

Episode 11 – Carers Week Special (Part 1): Lived experiences, the law and the role of employers, with Rachel Pears and Zahra Lakhan-Bunbury

Ellie: Hi and welcome to the Work Couch Podcast, your fortnightly deep dive into all things employment. Brought to you by the award-winning employment team at law firm RPC, we discuss the whole spectrum of employment law with the emphasis firmly on people. Every other week we unpack those thorny HR issues that people teams and in-house counsel face today and we discuss the practical ways to tackle them. My name is Ellie Gelder, I'm a Senior Editor in the Employment, Engagement and Equality team here at RPC and I'll be your host as we explore the constantly evolving and consistently challenging world of employment law and all the curveballs that it brings to businesses today. We hope by the end of the podcast that you'll feel better placed to respond to these people challenges in a practical, commercial and inclusive way.

Ellie: It's the second week of June, which must mean it's Carers Week. And the theme of Carers Week this year is caring about equality. So highlighting the inequalities faced by unpaid carers, including a greater risk of poverty, social isolation, and poor mental and physical health. Sadly, and far too often, carers of all ages are missing out on opportunities in their education, careers or personal lives just because of their caring role. And it's an everyone issue because ultimately every one of us at some point in our lives is likely to find themselves in a situation where they are caring for a loved one. So today we are going to explore how employers, line managers and colleagues can really effectively support those people in their workforce who are faced with caring responsibilities.

And joining me to share their insights and expertise, I am really delighted to welcome two passionate advocates for carers. Firstly, our own Rachel Pears, who is Associate Director for Responsible Business and Employment Council at RPC and is a carer herself.

Rachel has over time built and led RPC's brilliant and award-winning responsible business team. She's also spearheaded RPC's collaboration with the national charity Carers UK, which culminated in the Mind the Caring Gap report, which garnered widespread press attention.

And on that note, also welcome Zahra Lakhan-Bunbury, who is an account manager at Employers for Carers, which is the workplace arm of Carers UK. Zahra works with leading organisations such as government departments, world famous retailers, and local authorities to identify and share best practice for supporting carers in the workplace. So hi to both of you. Thank you so much for joining me on the work couch today.

Zahra: Hi, nice to be here, thank you so much.

Ellie: So in our usual work couch way, can we start by shining a light on the realities of being a carer? Because those realities are often unseen, they're invisible to others, including to colleagues and line managers, but they're really central to this conversation. So Rachel, would you mind telling us a bit about your experiences of caring, in your case, sandwich caring?

Rachel: Yeah, absolutely. So I have a beautiful 10 year old daughter. And when she was about 12 months old, she started missing some of her developmental milestones that sort of thrust us into a two year period of medical appointments and tests and therapies and all sorts. We wound up kind of meeting people whose jobs I didn't even know existed in the medical community within the upper echelons of the NHS. And, you know, as you can imagine, that was quite a stressful time, understanding that there was something that maybe wasn't quite right with your child, but, you know, didn't really know what it was yet. No one seemed to know. Fast forward to when she was three, she was diagnosed with a rare genetic condition. It actually has no name. There's only sort of less than probably a hundred people who have it. And as part of that, she has some learning disabilities. She's autistic. She has kind of a global developmental delay and a few other sort of things as well that are challenging. at the same time or around the same time as all of that was going on, my parents who live in New York, were also struggling with their health. I'm an only child, so living in London was always, I suppose, to cause a bit of a difficulty in terms of their sort of aging. But what I hadn't really anticipated is what is that it would happen all at the same time. So my father had a

fall, broke his hip, wound up essentially going to a hospital to have a hip replacement and really never came home. At that point, his vascular dementia became very apparent. I think he was doing quite a lot of masking at home. And so he wound up in rehab and then ultimately in a memory care unit, an assisted living facility. My mother has advanced Parkinson's and Parkinson's dementia. And so at the same time, she was also struggling with the progression of her condition and trying to manage it whilst also caring for my father. So as you can imagine, that led to quite a bit of back and forth, a lot of flying back to New York to try and kind of help sort of either both of my parents or one of them sort of deal with whatever the crises were at the time. Whilst also trying to hold down a full time job as a corporate employment lawyer. So yeah, pretty intense, quite, quite full on. And I would say sort of, you know, escalated kind of regularly, but without warning and quite quietly, sort of didn't all hit me at the same time, if that makes sense.

Ellie: Yeah, thank you so much for sharing that story. So many things going on for you in your personal life and also showing up to work, you know, with that professional facade, it's going to take its toll, I can imagine.

Rachel: It did. Yeah, it definitely did. I had a period of burnout where I took a few weeks off of work. And, you know, I consider myself very fortunate. I have a very supportive husband who kind of shares the load with me. Lots of kind of family and friends to sort of help as well. And my manager at the time, who was the sort of head of our employment team was just frankly the difference between me being able to keep my career and having to leave it. I think the challenge with caring is that you can never really, well, usually you can't really anticipate when it's gonna happen and you can't de-prioritize your family or your loved ones. And so when it comes down to a choice, even though I desperately didn't want to leave my hard fought for career and while I really enjoyed coming to work, having that sort of break, having a different identity, you know, having a bit of respite from being a care or a mother, a daughter, et cetera, you know, just the time pressure and the set of challenges to one's schedule, you know, makes it really challenging.

The fact that my manager at the time gave me the space and the trust and the flexibility to kind of work in the way that I needed to work and deliver the work, but kind of how and when I could really make the difference and was so valuable. And I would say garnered so much loyalty in me to the firm.

Ellie: Yeah, that's really wonderful to hear that you had that support. And I think that the sandwich caring responsibilities are going to resonate with a lot of people right now. And Zahra, can you tell us please how you came to work in this area?

Zahra: Absolutely. Thanks so much, Ellie. It's not too dissimilar, actually. As Rachel was speaking, I was sort of recounting my own journey to where I'm sat before you both talking about this. And I started off as a property lawyer and so went through all the usual steps that that involves all the hours, all the tears, definitely, from university to LPC and then the securing of a training contract, the elusive training contract and working really hard, just focused singularly on becoming a lawyer. That was my only priority in life at that point. And slowly, slowly, what had been happening in my personal life was that my mum had always been unwell, but was needing more and more support. And there was this massive resistance or conflict because I was a 20 something year old trying to establish myself and working hard, especially in the legal field where it's very competitive. You don't really get a pass to be out of the office for hours on end. Actually, it goes the other way. So I was trying to juggle both things and I'm an only child too, Rachel. So, you know, caring is not often a choice. You do it because your family needs your support. So as Rachel says, you don't deprioritize your family, you somehow try and make it work. And so I was trying, in my mind, trying to make it work and doing both things, doing all the hours and coming home and planning A&E visits in the evenings outside of deadlines and doing all sorts of work in hospital waiting rooms. And I became the statistic because mum's needs grew and workloads were not diminishing. And I had to make that decision to give up work to look after my mum. And I did take a little bit of time out before I gave that sort of final goodbye, I suppose, to my career. At that point, I thought maybe if I took a few weeks out, I was burnt out. That point, reflecting back, I probably wouldn't have used that word at the time, but I just knew that I couldn't cope anymore. Was extremely emotional all the time in terms of anything that was going on. I was sort of on the verge of tears from waking up to going to bed every day, which very much I can now knowing what we know about sort of burnout and stress and trauma all manifested in that way. But I thought maybe if I take a few weeks off and then I can come back all fresh, that didn't happen. That freshness just didn't, didn't appear. And, and I had a supportive husband and we sat down and we, just had that conversation. Which one are you going to regret?

Are you going to regret staying at home with your mum? We don't know how long she has at this point. You know, it could be another 10 years, hopefully. It could be five minutes. We don't know that's unpredictability of caring. And we sat down and we thought, well, we're never going to turn around and say, I wish I'd never stayed at home with mum. And so that was the decision. And we said, well, we'll make it work. We'll do it somehow. We'll give up some things, you know all the takeaways on a Friday can disappear out the window. And, and so that's what I did. And actually it coincided with COVID. So everything then went into lockdown and people were being furloughed. And so I don't think I felt it as much. I just felt like I was meant to be at home with mum cooking and looking after her. And in that time, because I wasn't working at the same time, I was able to do some volunteer work with Carers UK.

And it just made so much sense to do because I was so used to having purpose and waking up and doing something. And I needed that for my own sanity. I just needed something to be involved in other than just looking after my mom. I not to sort of undermine or simplify what that involved, but I needed a break from that. so volunteering with Carers UK was such a great experience so many nice people and they wanted to hear what I had to say and it made me feel really good. And I thought, well, I'm going through all of this uncertainty and unpredictability and all the things that come with caring. Someone actually wants to hear about it. That's brilliant. And, and then when the opportunity came up to join the Employees for Carers team specifically, I jumped at it because these are the conversations I wish I could have had with my employers, my colleagues, I wish that I could have been in a position to affect change. And here I found myself being in this very privileged position to be having the conversations that many carers can't have with people who can make a difference. And I felt so aligned and empowered to be able to do that. now we have over 250 organisations within the Employers for Carers community and it's so personal to me. So when people come on board, it's not a job. It's me really feeling like we can help, we can actually make a difference. And as Rachel said, it could be the difference between staying in your job, in your career that you've worked so hard for, or giving it up and starting again. And I think people underestimate how big a life decision that is as well.

Ellie: Thank you. That's incredible. It's wonderful to hear your own story. Thank you so much for sharing that with us. I want to just take a moment to just understand what the current position is legally speaking when it comes to supporting a carer at work. For example, giving them time off work to care for somebody. Rachel, can you just summarize what is the law in the UK right now?

Rachel: Yeah, it's a bit of a patchwork, I would say, in terms of what leave and entitlements you might be able to access and Zahra will probably be much more sort of closely embedded in all of that. But essentially, the position at the moment is that carers have an entitlement to carers leave through your organisation, but it is unpaid, it's a week. And so obviously, you know, it's in an employer's discretion if they want to kind of pay any more to any of their employees who take that period of leave. But there is obviously a financial kind of detriment to anybody who decides to kind of take that leave, which, you know, is a really sort of disappointing kind of position, I think, to put carers in at the moment given how much they're usually trying to support our fairly kind of ailing sort of social services systems and adult services systems and NHS. There's also other types of caring depending on who you're caring for. or other types of leave, sorry. So it's, there's emergency dependence leave, parental leave, maternity shared parental leave, paternity leave, et cetera.

So all different types of leave, they tend to focus more on children and childcare rather than sort of where you have a pure caring responsibility even as a parent carer. where your child may have a disability or a sort of health condition that requires more than your sort of standard childcaring commitments. So it's a bit of a patchwork.

Often the leave comes with either no pay or a statutory minimum. I do know of kind of private sector employers who have increased carers leave in the past couple of years, which is brilliant to see and have, as we do at RPC, offer full pay for carers leave, which is also great to see. But I think there's definitely more work that can be done in the sort of employer space in terms of supporting carers.

Ellie: Thank you. Yeah, so Zahra just picking up on that sort of that issue with not having paid leave, certainly in terms of statute. Can you tell us about Carers UK's current campaigns to improve that?

Zahra: Yeah, absolutely. And it's a really good point to reflect on the Carers Leave Act, which came into force April last year. And Rachel, you know so much about this with your employment law hat on. So I'll just be adding a little bit more in that side of things. But of course, that for the first time gave carers an actual right and recognised them in legislation before.

We didn't really talk about carers or caring. So it has made a really positive impact helping sort of, what is it, over 2 million employees who are currently juggling work and care. But at Carers UK, our sole mission is to help unpaid carers and we campaign on various things, but in terms of legislation, for us, we are pushing for a right to paid carers leave. As Rachel just mentioned, some employers offer enhanced provisions already, but we actually would like to see that as a statutory right. And to begin with, we would like to see it as two weeks paid leave. And with the long-term vision of having that to two weeks plus six months unpaid. So it's a sort of gradual process, isn't it? From going from nothing to having a right, which at least in the way that it brought about that awareness about what is caring and who are carers, I think that's a really important distinction. But as Rachel, you highlighted offering an unpaid right to leave can be detrimental to so many, especially those in positions with lower pay, especially affecting sort of female carers who actually do take on the bulk of unpaid caring. We know that when carers are unsupported at work, their sort of professional trajectory could involve reducing their working hours. So they might then fall into this lower pay bracket already. They might be taking on roles which are more junior to then what they're normally accustomed, again, to try and juggle and balance. again, you know, having that unpaid care doesn't really provide that solve that would actually help. And whilst it's brilliant to have it, it is a barrier in many ways. And so I think understanding what paid care as leave could do and which we which we do, we love data and evidence at Keras UK. So it's not going to be surprising that we've put reports together and modeled sort of the economic outlay and benefits. But we have a lot of organisations within the EFC community like RPC who actually do go over and above. And the savings are, I we're not talking

small savings, we're talking millions. Because if you think about, it's not just the paid element of the leave that we're focusing on, it's actually what happens then, it's that retention point, it's the productivity point, it's the well being point, it's all of that that then falls into it. And having that paid leave means that more people can stay in work. It means that they can stay longer as well in work. means that actually you're talking more about caring and raising that awareness piece because you're keeping these carers in employment. They're not just sort of leaving, exiting and taking their caring with them so then nobody has to speak about it anymore because there's no one in the workplace who's doing it. we know that, 80 % of carers say that additional paid carers leave of between five and 10 days would help them. I mean, we've asked them directly. It's not surprising 50% of carers said it would be easier to return to work after a period of absence if they had access to paid leave. So we're getting into these sort of intricacies of working patterns and workflow and how do we manage working and life combination to we're also really campaigning for making caring a protected characteristic. We know that the Equality Act carers are covered by association, discrimination by association, but we would like caring to be an actual protected characteristic on its own so that again, carers feel that they have access to this recognition, this support. Our reports have shown us that many carers have experienced discrimination or harassment either by the general public or within employment being treated unfairly or unfavourably and that comes out. And one of the other biggest campaigns we're working on is ending care of poverty and how does that link in? Well, one of the main factors of care of poverty is carers being able to stay in employment if you cut off that income stream.

And if you're working in a family where you might be the main provider because you're caring for the person who needs that support. And then if you take that away, then you're looking at the family dynamic and you're thinking, but where is your income coming from? And it's a massive mitigator of care or poverty is staying in employment. So they sort of all play on each other.

Ellie: Thank you. And Rachel, as I alluded to in my intro, you have kind of a dual insight into this. So both in your day job and as well as being a carer yourself. from both of those perspectives, does what Zahra said resonate with you in terms of why employers should be engaging with this issue?

Rachel: Absolutely, yeah, massively. it feels like a kind of no brainer, you know, in terms of, I mean, a week's pay, two weeks' pay compared to the costs of having to, you know, fill, recruit a position, pay for an agency, you know, potentially pay a higher salary to get a...new person, you know, there's so many costs involved than all the onboarding, getting people up to speed in terms of having to fill roles when people have had to leave. You know, you just, mean, I feel like I'm kind of a walking example, like the amount of, you know, loyalty and trust that a little bit of flexibility gave me in terms of RPC and my manager. I mean, I wanted to actually work harder because I wanted to prove that their trust in me wasn't mislaid and that I still could do the job. I still had a real sort of drive and ambition to kind of achieve for myself and for the firm. And so, you know, I think there's a missed opportunity as well in terms of actually really getting some great work out of people. Most of the carers that I've spoken to massively overcompensate for any time that they wind up taking out of the office, you know, if they've taken an hour to take somebody to an appointment, they've probably done another three that they didn't need to do because, you know, it's the classic of, know, if you want something done, give it to a busy person. Now I'm not saying we should burden all of our care, there's more work to do, but, you know, there are some very transferable skills amongst cares in terms of, you know, getting stuff done. And so, I think there's a lot of costs involved, a lot of missed opportunity, but also on the flip side, a real opportunity to kind of engage and retain top talent who otherwise just might have a life situation that kind of throws them a curve ball. The other thing I think that's a bit of a misnomer is that where...Caring sometimes falls within sort of DEI worlds. I think it runs the risk of being a kind of us and them mentality that like there's a group of people over there, it doesn't affect me, just them. And I think that challenges then getting everyone engaged and involved in the conversation. But the thing with caring is that it doesn't discriminate and it doesn't just affect one type group or demographic, it applies across the board to anyone. And I think often is more of an if but a when for everyone. If you have a parent, a loved one, anyone, I mean, even stats today, I mean, one in two people wind up with a cancer diagnosis, you know, people have, life changing car accidents all the time, I mean, you can become a care in the blink of an eye. And so I think there is a real need for everyone to join the kind of movement and conversation because actually it's in all of our interests. It's a universal thing that we will be going through in our time. So I think, yeah, it's definitely worth it for lots of reasons, not least because it's the right thing to do as well.

Ellie: Of course, absolutely. And I think a particular buzzword that we often hear, don't we, in the corporate settings is resilience. Why could that word be problematic then when we're talking about carers?

Rachel: This word is so challenging, you know, and you see it so often in like corporate values documents and kind of banded around as a sort of, you know, thing to aspire to. But I think the problem is that it's often used as a almost synonym for like bulletproof or unbreakable or, you know, kind of you know, someone who has some superhuman ability to kind of do and manage everything. And I think, you know, it implies this sense of onus on the individual rather than an organisation to kind of, you know, address, absorb any barrier, any challenge, some of which might be completely out of their control. It might be systemic. It might be a structural challenge and barrier that they can't change, but it sort of puts it on the individual to have to kind of sort it out to maintain that look of resilience. I think it suggests that people should just take everything you throw at them and say thank you and more please, which I think is problematic. I think it also sort of suggests that people should just bounce back. Like there's no sense of like, actually sometimes things are really hard and sometimes they're not just a one-off. And, you know, I mean, the average length of care is for some people is, you know, years. It's not a, it's not a one-off. It's not a week of, you know, juggling and then, that was tough. Okay. I'm done now. you know, for some people it's, it's a long-term investment and commitment. So. It's not, you know, it's actually probably more about bouncing back many, many times in the course of caring. There's a real, you know, up and down with it constantly. I mean, I saw it with, you know, with, well, with my daughter and my parents, you know, you'll go to an appointment and you'll feel really optimistic. Maybe you'll get an answer. Maybe you'll get some good news, whatever it might be. Maybe that doesn't happen. It's a crash. You know, there's there's a real, you know, there's real moments where you know, you can kind of feel some highs and some lows, I think, in the caring journey. And again, I think, you know, somebody who's been through that, who's gone through those highs and lows, they are probably very resilient. But I think resilience is often used to badge people maybe who haven't had challenges and have maybe had a slightly easier path. Or just to sort of describe a kind of you know, unknown sort of person who just doesn't need any extra help. We all need something at some point to do our best work, to make work more accessible, whether it's, you know, you've got a broken leg for a couple of weeks, or you've got something more significant and more long-term, but everyone is going to need something at some point. As a very well-known disability advocate once said, we are all temporarily able. So, it's something that I think is a word that we maybe need to challenge a little bit more.

Ellie: Definitely, wise words indeed! We're going to pause the conversation there and in part 2 next time, I'll be asking Rachel and Zara about the intersectional nuances of caring, the impact on wellbeing and, crucially, how employers can create carer-friendly workplaces – and much more – so I'm really looking forward to speaking to you both again but for now, thank you so much for joining us. Both your stories and your insights give real pause for thought, thank you for sharing so generously.

Zahra: Thank you.

Rachel: Thank you.

Ellie: If you'd like to revisit anything we discussed today, you can access transcripts of every episode of The Work Couch podcast by going to our website: www.rpclegal.com/theworkcouch. Or, if you have questions for me or any of our speakers, or perhaps suggestions of topics you would like us to cover on a future episode of The Work Couch, please get in touch by emailing us at theworkcouch@rpclegal.com – we would love to hear from you.

Thank you all for listening and we hope you'll join us again for part 2 in two weeks' time.



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