

## Background briefing on the Trade Union Charter for Disability Equality

Disabled workers represent one in five of the workforce. However, around half of all disabled workers are unemployed, and are four times less likely than non-disabled people to find work. When disabled people do get jobs, one in three are out of work again by the following year, compared with only a fifth of non-disabled people. And whereas 80% of workers have a job when they become disabled, only 60% are in work a year later, and only 36% are in work the year after that.

Supporting disabled workers to gain and retain employment is one of the biggest challenges facing the trade union movement today. Following the steps in this Charter will assist unions to represent disabled workers' interests. It will also assist unions to comply with their legal responsibilities to disabled staff and members under disability discrimination legislation.

At relevant points the Charter quotes from the statutory [Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies](#) (TSO 2004), referred to here as the Code of Practice. Boxed examples are taken directly from the Code. This underscores the connections between the steps in this Charter and the legal requirements placed on trade unions by disability legislation.

---

1) The union will promote disability equality in all aspects of its work, and will use its political influence to promote civil rights for disabled people. The union will also use its best endeavours as a purchaser of services to use suppliers who do not discriminate against disabled people.

This is additional to the fact that, in most circumstances, unions will have a direct legal responsibility for ensuring that services that are being delivered to members by others are accessible.

---

2) The union will promote the principle of self-determination for disabled people. Advisory committees or forums of disabled members will guide the union's work on disability equality, and when working with other organisations on disability issues, the union will seek to ensure that disabled people exercise an appropriate degree of control.

For example, when working with organisations run particularly to employ or support disabled people, the union would expect to see disabled people in management positions and as members of the controlling body. The union would also expect to see charities or other disabled people's organisations that it works with controlled by disabled people themselves.

---

3) Disabled trade union members will be enabled to participate in an equal way in all union meetings, events and structures, and to benefit equally from all union services. This will include provision to allow 'job-sharing' of union positions. The remaining points of the Charter set out the other steps which will enable unions to achieve this goal.

Job-sharing is a means of enabling disabled people to participate on committees etc and to take other elected positions when they may otherwise be unable to do so, and as such can be regarded as being a 'reasonable adjustment'. Allowing job-sharing also benefits members with childcare and other caring responsibilities, who may also be unable to participate otherwise.

---

4) All union staff will be provided with specific training on their legal obligations to both colleagues and members under the Disability Discrimination Act and the union's own disability policies. Staff will also be provided with disability equality training as relevant to their particular roles, such training being best provided by appropriately qualified disabled consultants or organisations run by disabled people.

The Code of Practice states that: "It is advisable for all trade organisations to provide disability awareness and equality training to all employees. In addition, train employees and agents so that they understand the organisation or body's policy on disability, their obligations under the Act and the practice of reasonable adjustments."

Employing disabled workers and disabled-run organisations to deliver this training continues the principle of self-determination, but also helps to counter the under-employment of disabled people.

"A trade organisation has a policy to ensure that all members are kept informed about the organisation's activities through a website. The policy states that the website should be accessible to disabled people, including those who use access software (such as speech synthesis). The website editor is given additional training in accessible website design."

---

5) A proactive strategy will be adopted to book accessible venues for all union events. Venues appropriate on some occasions, for instance for one-day meetings for a small number of people, will not be used inappropriately, e.g. for a residential conference for a larger number of people.

However well staff are trained, it is impossible to comply with the terms of the Disability Discrimination Act if unsuitable venues are chosen for meetings and events. For example, a building that can only be entered by steps can never be accessible to a wheelchair user.

A strategy therefore needs to be adopted for identifying accessible venues for events at national, regional and local basis. A list of suitable venues should be prepared, using information from other trade unions, local access officers (a large proportion of local councils have access officers) and other reliable sources. Venues' access details should always be checked by the union, using a checklist prepared for this purpose.

---

6) Information about the accessibility of a venue will be included in the basic information about that venue. In addition, disabled union members attending events will be invited to indicate any additional needs which they may have in order to participate fully in the event.

The Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) states that: “2.10 It is good practice for trade organisations and qualifications bodies to have access audits carried out to identify any improvements which can be made to a building to make it more accessible. Access audits should be carried out by suitably qualified people, such as those listed in the National Register of Access Consultants.”

Employing disabled workers and disabled-run organisations to conduct these audits continues the principle of self-determination, but also helps to counter the under-employment of disabled people.

"A trade organisation or qualifications body might have to make structural or other physical changes such as: widening a doorway, providing a ramp or moving furniture for a wheelchair user; relocating light switches, door handles or shelves for someone who has difficulty in reaching; providing appropriate contrast in décor to help the safe mobility of a visually impaired person."

---

7) The union’s own accommodation will be professionally audited by appropriately qualified access auditors to ensure equal access for those attending union events and/or working in them, with preference given to qualified disabled auditors. Any remedial work necessary in order to meet responsibilities under the Disability Discrimination Act will be included when deciding future financial expenditure.

Employing disabled workers and disabled-run organisations to conduct these audits continues the principle of self-determination, and also helps to counter the under-employment of disabled people.

The Code of Practice states that: “It is good practice for trade organisations and qualifications bodies to have access audits carried out to identify any improvements which can be made to a building to make it more accessible. Access audits should be carried out by suitably qualified people, such as those listed in the National Register of Access Consultants.”

A trade organisation or qualifications body might have to make structural or other physical changes such as: widening a doorway, providing a ramp or moving furniture for a wheelchair user; relocating light switches, door handles or shelves for someone who has difficulty in reaching; providing appropriate contrast in décor to help the safe mobility of a visually impaired person.

---

8) All information provided to union staff and members will be made available in accessible formats as required (e.g. large print, on disk, in Braille, on tape), and websites will be designed to be accessible to disabled people.

No one can participate in their union activities if they are unable to communicate with their union. The use of inclusive design techniques helps to make standard print information much more widely accessible than otherwise. However, some disabled people will always require information in alternative formats; one size can never fit all.

"A trade organisation for carpenters has an application form with several paragraphs in small print. A partially sighted carpenter cannot read the whole form and is therefore at a substantial disadvantage because he cannot fill it in correctly. The trade organisation provides him with an application form in large print. This is likely to be a reasonable adjustment for it to make."

"A newly disabled person wishes to attend a conference of a trade organisation of which he is a former member. This conference is open to former members. He explains to the conference organisers that he is now partially sighted. They arrange for a guide to accompany him at the conference and produce conference papers in large print. These are likely to be reasonable adjustments for the trade organisation to make."

---

9) Additional support will be provided to disabled staff and members as required to enable their full participation in union activities e.g. the provision of a support worker, reader or Sign Language Interpreter.

Disabled people will have different support needs depending on the situation concerned. State provision of personal support is extremely restrictive, and is generally limited to the home and the workplace. Trade unions must therefore provide support as necessary to enable participation in union activities.

"This could involve the provision of a support worker to enable a disabled person to participate in a conference, meeting, training session, interview, examination, assessment or social event; or extra support for a disabled trade union representative to enable that person to fulfil their role on an on-going basis."

"This could involve the provision of a sign language interpreter for meetings, talks or training; or could involve provision of a reader for a visually impaired person."

---

10) When determining access needs, these will be defined by the disabled person themselves, with appropriate support provided by the union as necessary. Any requirement to disclose medical information will be kept to a minimum, and this information will be kept confidential.

Disabled people are the best judges of how their access needs can be met. Since everyone experiences their impairment differently, judgements cannot be made about access needs based on someone's medical condition. For example, the access needs of one person with cerebral palsy will be very different to another person with the same impairment. Someone who 'doesn't look' disabled may still have very specific access needs. A blind person may read Braille, or may prefer information to be on tape or on disk.

Requiring disabled people to disclose personal and private information in order to participate in union activities means that many disabled people will decide not to participate at all. It is particularly inappropriate when disabled people are asked to disclose medical information to people with no professional or personal understanding of their impairment. Where medical information is disclosed, it is particularly important to keep this confidential to protect

disabled people's privacy and dignity as well as to avoid prejudicial judgements being made about them.

---

11) Funding of accessibility features will be a priority expenditure for all parts of the union. A central budget will meet the costs of adjustments for disabled members in circumstances where it would be too expensive for these to be funded by individual committees or branches.

The Code of Practice states that: "it is advisable for trade unions to have (and inform local branches about) a central budget or 'access fund' to pay for adjustments for disabled members in circumstances where it would be too expensive for the adjustments to be funded by local branches."

"A union branch is sending a disabled representative to a regional 3-day conference. The disabled person, who has cerebral palsy, requires a support worker to accompany her to the conference. Although the cost of providing this support would be relatively high compared to the resources available to the branch, the cost is unlikely to be seen as unreasonably high when assessed against the overall funds of the union."

However, branches and committees should demonstrate that they have allocated suitable priority to the funding of accessibility issues and therefore cannot meet other priority funding needs without additional help from central funds.

---

12) Training and other resources will be provided for branch and workplace representatives on disabled people's employment rights, so that they are able to support union members who encounter disability discrimination at work. This training must extend to include the union's responsibility to enable disabled members' participation in trade union activities..

"A trade union provides training for a branch in conducting meetings in a way that enables a deaf branch member to participate."

The Code of Practice states that: " it is advisable for trade unions to:

- Ensure that union representatives understand the Act's provisions on employment and occupation so that they are able to support union members who encounter disability discrimination at work
  - Ensure that health and safety representatives have a proper understanding of the principles of risk assessment and reasonable adjustments, so that health and safety issues are not used to discriminate against disabled people in the workplace or when participating in union activities."
  - The above considerations apply just as much to unpaid union representatives in the workplace as to salaried employees of a union.
-

13) Training and other resources will be provided to members representing the trade union movement on Employment Tribunals, so that they have a full understanding of disability discrimination and the Disability Discrimination Act.

Less than 4% of Disability Discrimination Act claims lodged at Employment Tribunals succeed. One reason for this is the general lack of understanding of disability discrimination within the Tribunal system. Improving trade union representatives' understanding of disability discrimination will in turn improve Panels' understanding of disability more generally.

---

14) The union will not enter into collective agreements containing terms that discriminate against disabled people. The union will strive to enter into collective agreements at national and local level in respect of anti-discriminatory policies and practices, and will monitor the effectiveness of any such agreements.

The Code of Practice recommends that: "2.14 Trade unions should not enter into collective agreements containing terms which discriminate against disabled people (see paragraphs 10.14 to 10.16). In addition, European law encourages trade unions to enter into collective agreements at national and local level in respect of anti-discriminatory policies and practices. It is advisable for trade unions to monitor the effectiveness of any such agreements."

---

15) Complaints about disability discrimination made by staff or members will be dealt with quickly and openly, with the aim of resolving complaints effectively. All necessary steps will be taken to ensure that disabled people making complaints are not disadvantaged by the process, and are not victimised as a result of their actions.

Disabled people must feel confident that they will be listened to if they experience discrimination, and that this will be taken seriously. If this is not the case, they may withdraw from union participation altogether. If discrimination is not taken seriously, this also compounds the effect of the discrimination on a disabled person. And it is impossible to challenge discrimination if a disabled person is frightened to do so because of the way in which they would then be treated.

The Code of Practice that: "It is advisable for all trade organisations to have complaints and grievance procedures which are easy for disabled people to use and which are designed to resolve issues effectively . . . it is in the interests of such an organisation or body wherever possible to resolve problems as they arise. This should be done in a non-discriminatory way to comply with the requirements of the Act.

"Grievance procedures can provide an open and fair way for concerns to be made known. Such procedures may be particularly appropriate for use by members of trade organisations, and can enable grievances to be resolved quickly before they become major problems. Use of the procedures may highlight areas in which the duty to make reasonable adjustments has not been observed, and can prevent misunderstandings leading to complaints to tribunals."

"Because of the way in which she has been treated, the woman makes a claim against the trade union under Part 2 of the Act. Some time later, however, she asks for union representation in relation to a grievance at work. Her request is rejected because she has previously made a claim against the union. This is victimisation."

---

16) Discriminatory conduct by union staff or members will not be tolerated, and will be dealt with under the union's disciplinary procedures.

The Code of Practice states that: "It is advisable for all trade organisations to Inform all employees and agents that conduct which breaches the anti-discrimination policy will not be tolerated, and respond quickly and effectively to any such breaches. Address acts of disability discrimination by employees as part of disciplinary rules and procedures." Failure to address discriminatory conduct by union staff or members exposes the union to expensive and embarrassing litigation.

---

17) The union's staff and membership will be monitored on a regular basis, and action will be taken to identify and remove barriers facing disabled people.

The Code of Practice states that: "Monitoring of members (or, in the case of qualifications bodies, people applying for a qualification or people who hold qualifications) is an important way of determining whether anti-discrimination measures taken by an organisation or body are effective, and ensuring that disability equality is a reality. Information must be gathered sensitively, with appropriately worded questions, and confidentiality must be ensured. Knowing the proportion of disabled people and their status in respect of an organisation or body can help it determine where practices and policies need to be improved.

"Monitoring will be more effective if disabled people feel comfortable about disclosing information about their disabilities. This is more likely to be the case if the trade organisation or qualifications body explains the purpose of the monitoring and if members and applicants believe that it genuinely supports equality for disabled people and is using the information gathered to create positive change."

"A trade union becomes aware, through monitoring, that disabled people are under-represented as conference delegates. It uses this information to find out from disabled members how arrangements for conferences can be improved to enable fuller participation."

---

18) The effectiveness of all disability policies will be reviewed regularly, and the findings will be acted on as necessary.

The Code of Practice states that: "It is advisable for all trade organisations to monitor the implementation and effectiveness of an anti-discrimination policy . . . and regularly review the effectiveness of reasonable adjustments made for disabled people in accordance with the Act, and act on the findings of those reviews."

---

19) All union policies will be amended as necessary to comply with current and future disability discrimination legislation.

Disability discrimination cannot be dealt with in isolation; the Disability Discrimination Act has implications for all areas of policy work. Disability legislation is also continuing to develop; action that is taken to comply with it now may not be sufficient in the future.

"A trade union reviews its procedures for organising conferences to ensure that access for disabled members is taken into account at all stages."

---

20) All staff and members will be provided with copies of the union's disability policies.

This is essential, both to encourage the participation of disabled members and to prevent non-disabled members from breaching the Disability Discrimination Act. If disabled members are unaware of their rights to reasonable adjustments under the Act and their own union's policy, they may refrain from participating in union activities because they wrongly assume that these will be inaccessible to them. Similarly, if non-disabled members do not understand the union's disability policies, they may exclude disabled members from participating and bring the union into disrepute by breaking the law.

"A trade organisation has a policy outlining the level of service that all members and potential members should receive. It includes standards of service for disabled members and potential members, such as provision of application forms in accessible formats."

"A trade union member who has a mental health problem – which her branch secretary is aware of – is refused admission to a meeting because the branch secretary wrongly assumes that she would seriously disrupt the meeting with loud interjections. The branch secretary has treated her less favourably than other members by refusing her entry to the meeting. The treatment was on the ground of the woman's disability (because assumptions would not have been made about a non-disabled person)."

---

Further copies of the Charter and the accompanying briefing document are available in standard print and other formats from Trade Union Disability Alliance (TUDA), BM TUDA, London WC1N 3XX. [info@tuda-online.org](mailto:info@tuda-online.org) A poster version of the Charter is also available for signatories to display.