

Welcome to TUC Disability Conference !

Once again there is a wide variety of motions some of which TUDA find no difficulty in support but as always our comments are not necessarily the view of the Unions represented on the TUDA Executive!.

Highlight once again this year is the TUDA Fringe , this year on the subject of 'People in Glass Houses' , Please support this fringe , Wednesday 25th May -lunchtime in the Main Hall. , Speakers Ju Gosling (TUDA Executive and NUJ member) and Peter Weck (Unison)



Welcome all delegates!

An exciting year for disabled people and this time we have at least got some results!

The new Disability Discrimination Act 2005 became Law "just in time" as Parliament came to a close prior to the General Election being closed.

Although the amendments to the definition are welcome, they are once again not based on the social model of disability and TUDA will with our allies continue to fight on for social model based legislation.

Good news also with the publication of the Code of Practice on Public Sector Duties and the Strategy Unit document on Improving Life Chances for Disabled People.

We will however be keeping a very close eye on the Commission for Equality and Human Rights and the impact on disabled people.....
But more of these issues in later editions and check our website www.tuda.org.uk for updates.

To contact TUDA: -

Secretary: Alan Martin

BM TUDA

London

WC1N 3XX

alanmartin@hotmail.com

Newsletter Editor: Richard Cook

findcook@hotmail.com

Welcome to TUC Disability Conference delegates

Once again an impressive range of resolutions on matters of vital importance for disabled people. Every year it gets more frustrating only being able to send one forward to the TUC Conference - its going to be a tough choice. Some highlights

JOB CUTS Not surprisingly the civil service unions highlight the potential threats to disabled people's jobs with the Government's proposed cuts. If previous redundancy programmes are anything to go by disabled people are likely to be the first to go. Given the already abysmal employment rate of disabled people this cannot be allowed to happen.

DISABILITY EQUALITY DUTY These motions link to the two motions on the public sector duty to promote disability equality in the Disability Act 2005. This is the big new political development on disability and is rightly highlighted by several unions. The duty is due to come into force in December 2006. It is a strengthened version of the race duty - which, for all its flaws, has put race higher up the public sector agenda. We need to see the disability duty not only getting disability equality on the

agenda but making a real difference to disabled people's lives. The National Union of Teacher's motion rightly emphasises in particular the important role which unions can play in making a success of the new duty, as well as the role of 'equality officers' in delivering training. Just one quibble - don't we want to be sure that it is **disabled** equality officers who are appointed to work on the duty. NATFHEÍS motion makes a different but equally valid point that disabled people's organisations need to be supported and 'capacity raised' in order for the public sector to successfully deliver on disability equality.

The Community and Youth Workers Unions motion. Whilst it makes no explicit reference to the disability equality duty fits well into this theme of the public sector gearing up for the new duty , with its emphasis on Disability/Deaf Equality Training.



The FDA motion uses the Disability Equality Duty to call for systematic action to remove barriers, by making buildings accessible mass communications accessible in a range of formats. Whilst agreeing with the general sentiment I would make two comments on the details, firstly the motion would view it as acceptable if government buildings complied with current building regulations. Whilst this would indeed be progress the gold standard, to which building should ideally conform is British Standard BS8300. Secondly, the motion says it is more important to monitor this barrier removal than to carry out monitoring of disabled people which is likely to be intrusive and discriminatory. I would think that it is important to ascertain whether disabled people are actually employed and actively use the services of these accessible institutions. We may all know of employers who are in beautifully accessible buildings but employ no disabled people. For me the real test of whether public services employ more disabled people, at all grades, and whether disabled people use and are satisfied with the services. If we compare with race equality, the concept of 'race' is every bit a matter of social construction as disability, and monitoring can be sensitive (especially around categories of race) but no one suggests we do not monitor for race. Yes monitoring can be intrusive and discriminatory but it is for unions to work to ensure that it is not, rather than give up. It is only monitoring, with targets, that acts as a real spur to action

GOVERNMENT SUPPORT FOR DISABLED JOBS The third group of motions, which may well end up being composited, are about Access to Work (from UNISON) and Government support for disabled people's employment (GMB). These two motions calling for more funding to enable decent long term jobs, an extended and strengthened ATW scheme and better representation on Skills Sector Councils, are particularly timely given the threat to Incapacity Benefit which still hangs in the air. If Labour win the next election we can expect them to resume their 'blame the disabled victim on unemployment' approach. If and when this happens the trade union movement must counter with strong demands for effective Government support for disabled people to get and keep good jobs, including access to proper (re)-training for skilled

jobs. This political context suggests that this pair might well be front runners for being chosen to go forward to the TUC Conference later this year.

Putting our own houses into order

Ju Gosling, who recently won a disability discrimination case against the NUJ, looks at the challenges facing the trade union movement

When thousands of workers lose their jobs overnight and face an uncertain future, as the Rover workers did recently, it rightly makes the headlines. But thousands more workers lose their jobs every year without a word being said ó because they are disabled. Once unemployed, they are highly unlikely ever to work again ó even though the majority wish to do so.

Now the Government intends to cut Incapacity Benefit for new claimants, and force them to undergo regular 'reviews' by the Department of Work and Pensions. But the reason why so many disabled people are out of work is not due to any lack of effort on their part. Instead, it is due to employers' refusal to make appropriate and adequate 'reasonable adjustments' to working practices to allow disabled people to obtain jobs and remain in work. The pursuit of profit, and the erroneous belief that employing disabled workers will reduce that profit, overrides every other consideration.

As trade unionists, we have the power to change this situation. But in order to do so, we have to undergo our own cultural shift and accept that the world has changed. We have to accept that the old days have gone; the days when negotiating a decent redundancy settlement/early retirement ensured that a worker who had become disabled could live out the rest of their life in dignity.

The value of state benefits and pensions has been massively eroded in comparison to average earnings. Employers' pension funds have been plundered and pension levels cut; private pension funds have not performed as promised; and we are all living longer. Someone who loses their job because they have become disabled can now face forty or fifty years of poverty and social exclusion as a result, and this of course affects their dependants too.

And gone, too, are the days when disabled people were prepared to be treated as 'welfare cases'. Disabled people in the 21st century are not interested in pity or charity; instead we want an equal right to participate in society, including the right to work, and to receive equal respect. And we cannot achieve this without our trade unions.

But before trade unions can take effective action to support disabled workers to find and keep jobs, we have to put our own houses into order. Yes, there have been many trade union disability initiatives that we can be proud of, including most recently Amicus's Disability Champions project. But my disability discrimination case against the NUJ showed that, overall, trade unions' attitudes to and treatment of disability rights are still stuck in the 20th century.

In the NUJ's case, their failure to make the agreed 'reasonable adjustments' for me when I attended their 2000 annual conference was described by Thompsons solicitors in an Employment Tribunal as being 'trivial' and as 'not being real discrimination'. This was despite the fact that the NUJ was found guilty of four counts of discrimination – two of them being described by the Tribunal as 'major' – and of personal injury. Rather than apologise to me, the NUJ behaved throughout the case as if the union, and not myself, was the victim.

And at no point did the union's management take responsibility for what had occurred; instead, the only witnesses to appear in court were the NUJ's admin workers, who were not themselves NUJ members. This was despite the fact that the NUJ's management had failed to turn numerous conference motions on disability rights into policy; had failed to brief staff on the union's responsibilities under the Disability Discrimination Act; and had failed to provide staff with disability equality training. The management continued to be in complete denial about their own disabilityism.

As a result, other disabled NUJ members have continued to suffer similar difficulties in participating in union activities in the six months since the case finally came to a close. Requests for reasonable adjustments to allow disabled members to attend and participate fully in residential events have either been denied altogether, or only agreed after protracted arguments. And the general level of access at the venues being used for these events has been consistently poor. Sadly, this is not a problem that is restricted to one renegade union – similar stories emerge across the board.

Trade unions cannot expect to represent disabled members' interests successfully to employers if we are not, ourselves, models of good practice. But the harsh reality is that many employers are now more conversant with how to implement the Disability Discrimination Act than trade unions are. And many workers, particularly within the retail sector, have a much greater understanding of disability discrimination and how to combat this than the people who represent us. It is time to put our own houses into order.

Anyone can become disabled, and at some point in our lives, most of us will be. Disability is not an issue that only affects an unfortunate few; it is an issue that concerns us all. There is no lack of expertise available to help achieve disability equality within the trade union movement, and the financial impact is often zero. All we need is the will, including the willingness to admit where we have gone wrong in the past. Then, and only then, can we achieve change in the workplace. - Don't forget if you want to learn more about these issues please come along to the TUDA fringe at lunchtime on 25th May!!

At the TUDA Annual General Meeting it was agreed to circulate the following Draft Trade Union Charter for Disability Equality.

Background briefing on the Draft Trade Union Charter for Disability Equality

NB: Boxed examples of measures that unions need to take to comply with the law are taken directly from **The Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies** (HMSO 2004)

- 1) The union will strive to attain equality for disabled staff and members, both within the union and in the workplace.

The Disability Rights Commission estimates that half of all disabled people of working age who wish to work are unemployed. Many workers lose their jobs when they become disabled, and many never work again. **The Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies** (HMSO 2004) states that: 'The chances of finding a job (and then keeping it) are often related to a person's ability to obtain professional or trade qualifications or membership of trade organisations.' Beyond this, trade unions must themselves be models of good practice in order to have any credibility when challenging disability discrimination in the workplace.

- 2) The union's work for disability equality will be led by disabled staff and members themselves.

Self-determination is an important principle of equality work, and has previously been applied to the struggle for race and gender equality. Ensuring that disability equality work is led by disabled people also challenges ideas of disabled people as being in-valid and child-like, and as being people who need others to make decisions for them. This improves disabled people's chances of obtaining and retaining jobs.

The Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) states that: "Listening carefully to disabled people and finding out what they want will help organisations and bodies to meet their obligations by identifying the best way of meeting disabled people's needs. There is a better chance of reaching the best outcome if discussions are held with disabled people at an early stage."

- 3) The union will only work with and/or support disability organisations in achieving these goals where the majority of that organisation's governing body is composed of disabled people.

This continues the principle of self-determination, and supports disabled people's struggle for independent living. Organisations controlled by non-disabled people are also likely to be breaching other principles of trade unionism e.g. by failing to pay disabled workers the rate for the job.

- 4) All union staff will be provided with disability equality training and disability awareness training, including specific training on their legal obligations to both colleagues and members under the Disability Discrimination Act and the union's own disability policies. This training will be provided by appropriately qualified disabled consultants or organisations run by disabled people.

The Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) 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.

- 5) All union staff will be provided with additional training as relevant to their particular roles. (e.g. Staff involved in organising events will also receive accessible events training; staff involved in communications work will receive training in accessible design and in the provision of material in alternative formats; staff involved in website production will receive training in accessible web design; etc etc.) This training will be provided by appropriately qualified disabled consultants or organisations run by disabled people.

The Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) states that:
It is advisable for all trade organisations to ensure that people within the organisation or body who have responsibility for liaising with members or applicants have more in-depth training about the organisation's duties under the Act.

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.

- 6) All office and meeting accommodation normally occupied by the union on a national or regional basis will be professionally audited by appropriately qualified disabled consultants or organisations run by disabled people to ensure that it complies with the requirements of the Disability Discrimination Act. Any remedial work necessary will be given priority when deciding future financial expenditure.

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) All venues used by the union for meetings or events will be professionally audited by appropriately qualified disabled consultants or organisations run by disabled people to ensure that they comply appropriately with the requirements of the Disability Discrimination Act and the specific needs of members and staff attending the events. Non-compliant venues will no longer be used. Venues appropriate on some occasions ó e.g. for one-day meetings for a small number of people ó will not be used inappropriately ó 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.

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.

- 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).

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) A central budget will be established to 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 Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) 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.

- 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 participation in trade union activities, as this is the first point of support for disabled members facing discrimination.

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

The Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) 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. Tribunals themselves are exempt from the Disability Discrimination Act, so disabled people are also under-represented on Panels. 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 Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) 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 Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) states 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.

2.22 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.î

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 Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) 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 remedy any under-representation of disabled people.

The Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) states that: 2.17 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.

2.18 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 Disability Discrimination Act Code of Practice for Trade Organisations and Qualifications Bodies (HMSO 2004) 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).

And now the Draft Charter itself:-

Trade Union Charter for Disability Equality

By signing up to this charter, _____ makes a commitment that:

- 1) The union will strive to attain equality for disabled staff and members, both within the union and in the workplace.
- 2) The union's work for disability equality will be led by disabled staff and members themselves.
- 3) The union will only work with and/or support disability organisations in achieving these goals where the majority of that organisation's governing body is composed of disabled people.
- 4) All union staff will be provided with disability equality training and disability awareness training, including specific training on their legal obligations to both colleagues and members under the Disability Discrimination Act and the union's own disability policies. This training will be provided by appropriately qualified disabled consultants or organisations run by disabled people.
- 5) All union staff will be provided with additional training as relevant to their particular roles. (e.g. Staff involved in organising events will also receive accessible events training; staff involved in communications work will receive training in accessible design and in the provision of material in alternative formats; staff involved in website production will receive training in accessible web design; etc etc.) This training will be provided by appropriately qualified disabled consultants or organisations run by disabled people.
- 6) All office and meeting accommodation normally occupied by the union on a national or regional basis will be professionally audited by appropriately qualified disabled consultants or organisations run by disabled people to ensure that it complies with the requirements of the Disability Discrimination Act. Any remedial work necessary will be given priority when deciding future financial expenditure.
- 7) All venues used by the union for meetings or events will be professionally audited by appropriately qualified disabled consultants or organisations run by disabled people to ensure that they comply appropriately with the requirements of the Disability

Discrimination Act and the specific needs of members and staff attending the events. Non-compliant venues will no longer be used. Venues appropriate on some occasions ó e.g. for one-day meetings for a small number of people ó will not be used inappropriately ó e.g. for a residential conference for a larger number of people.

- 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).
- 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.
- 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.
- 11) A central budget will be established to 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.
- 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.
- 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.
- 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.

- 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.
- 16) Discriminatory conduct by union staff or members will not be tolerated, and will be dealt with under the union's disciplinary procedures.
- 17) The union's staff and membership will be monitored on a regular basis, and action will be taken to remedy any under-representation of disabled people.
- 18) The effectiveness of all disability policies will be reviewed regularly, and the findings will be acted on as necessary.
- 19) All union policies will be amended as necessary to comply with current and future disability discrimination legislation.
- 20) All staff and members will be provided with copies of the union's disability policies.

Finally in this Special Edition ,TUDA's response to the Improving Life Chances for Disabled People!

The agenda set out by the recent report from the Prime Minister's Strategy Unit (*Improving the Life Chances of Disabled People*) would, if fully implemented, make an important contribution to promoting equality for disabled people. In particular:

← the promotion of independent living would enable disabled people to achieve self-determination, participate fully in, and contribute fully to, family, community, social and economic life

← addressing the personalised support people need to get into and remain in paid employment, together with tackling discriminatory and ill-informed attitudes amongst employers, would similarly promote equal access to the three elements of full citizenship

← disabled people's organisation, modelled on the existing Centres for Independent Living, will help to promote active citizenship amongst disabled people in their local communities.

However, the report has its limitations which need to be addressed:

- ← there is no firm commitment to giving people an entitlement not to have to move into residential care in order to get the support they need
- ← there is no firm commitment to redistribute and use resources in ways which enable disabled people to be fully included in society
- ← there are no proposals to address the high risk of poverty experienced by disabled people or, in particular, the failure of disability benefit levels to meet the additional costs of impairment or illness
- ← its proposals are made in the context of continuing stigmatisation of people receiving incapacity benefit while at the same time there are significant cutbacks in the DWP making it difficult to deliver the personalised support the report identifies is needed to help people into work
- ← the report does not cover people over retirement age. There is an urgent need to address the negative attitudes towards older people, the inadequate resources and disempowering services provided within the community care framework, and their consequent social exclusion.

In summary , fine words but disabled people will need to press for action, and indeed for money to be spent

We make the following additional comments regarding the employment chapter.

We agree with the Prime Minister that Disabled people are trapped into long term or even lifelong dependency on Incapacity Benefit but disagree with Government views associating incapacity benefit with "scrounging." We are therefore pleased that despite the grim rumours that Alan Johnson confirmed in a statement to the House of Commons on February 2, 2005 that no-one would be paid at a rate less than that of Jobseekers Allowance. We also support the Government's aspiration to increase the employment rate amongst disabled people to 80%.

We call on the Government to introduce the following measures to help bring this about:

- a) Promote the 'Access to Work' scheme and increasing resources available to this scheme to cope with increased demand that is likely to result from extensions to the Disability Discrimination Act. We oppose proposed increases in employers' contribution and restriction of use by central government departments. We welcome the exploration of Direct Payment, passporting and self-assessment systems.
- b) Give Employment Tribunals the power to order the reinstatement and re-engagement in disability discrimination cases.

- c) Introduce legislation to provide Disability Leave for those with new or changed impairments in order that they may have paid time off for rehabilitation and retraining with the right to return to the same or similar job in the same way as women returning from Maternity Leave.
- d) The Treasury needs to address the real cost to Disabled people trying to get off Incapacity Benefit and into paid work, including the additional personal cost of inaccessible housing, transport, education facilities and not least the barriers within recruitment and selection procedures.

Pensions

Under the DWP Five Year Plan people will be encouraged to defer taking up their state pension for five year's in return for a £20-30,000 lump sum or 50% extra per week. Employers will also have to consider seriously requests from employees to go on working beyond 65. Disabled pensioners also face additional costs. The incidence of physical and sensory impairment increases with age. Therefore if disabled people are to work longer the need to introduce Disability Leave and provide more resources for Access to Work becomes even more urgent otherwise disabled pensioners will become even more impoverished.

We call on the Pensions Commission to examine the needs of disabled people and all other groups that face discrimination in terms of pension provision.

The role of occupational health

The report proposes an expansion of occupational health service. The experience of TUDA members is that often it is occupational health that holds the most prejudiced views about the abilities of disabled workers and often plays a negative role, creating unnecessary barriers in relation to employment.

Similarly too often income protection insurance operate exclusionary policies which create barriers for disabled workers. If the role of either is to be promoted the Government must have a vigorous strategy for tackling discrimination and exclusion in both these sectors.

Improving employability

In our view the Learning and Skills Council and the Regional Development Agencies pay lipservice (at best) to disability equality. They will not deliver the necessary skills increases to disabled people unless they have very firm targets imposed on them by the Government. In this respect some of the recommendations are far too weak and similarly there needs to be clear targets for advanced modern apprenticeships.

I wish to receive more Information about TUDA: -
Please send to: Alan Martin, BM TUDA, London WC1N 3XX.

Name

Position in Union (if applicable)

Trade Union

Address:

Post Code

E mail:

Disc Audio

Large Print size

BSL Video

Preferred format:

Print Braille

Membership Fees: Individual Disabled Person £7.00



Supporting Subscriber £10.00



Union Branch £25.00



Union Region £50.00



Union National £100.00

Donation ÖÖÖÖÖÖÖÖÖÖÖÖÖÖ

Please make cheques payable to Trade Union Disability Alliance.

The views expressed in this Newsletter are not necessarily the views of the unionís represented on the TUDA Executive Committee but reflect the opinion and policies of most of them.