

TUDA News

NOVEMBER 2006

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Our website www.tuda.org.uk also has lots of news and information

Just a thought from the TUDA newsletter editor

In an attempt to try to save TUDA money and speed up the provision of information, if you have e-mail (and we understand not everyone does), would any TUDA members like to have all future newsletters via e-mail? Please let us know! E-mail your editor Richard Cook on findcook@hotmail.com

TO CONTACT TUDA

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Please tell us of any issues you feel we should cover. We encourage people to submit both information and articles for inclusion, so get writing if you can.

Views expressed in this Newsletter are not necessarily those of all the trade unions represented on our Executive but reflect the opinion and policies of most of them.

On December 6th of this year, new legislation will come into force making it illegal for disabled people to be discriminated against when using taxis and private hire vehicles.

STOP PRESS: TUDA ACTS TO SAVE ACCESS TO WORK

In May the Secretary of State for Work and Pensions announced that from October 2006 Jobcentre Plus would not fund Access to Work support required by people working in a government department.

Departments will instead pay for new and ongoing disability adjustments out of their running costs. There was no prior consultation with disabled people or unions on the likely impact of such a change.

The 'Improving the Life Chances of Disabled People' Report (produced by No 10's Strategy Unit in 2005) suggests that ATW might 'in due course' be withdrawn from the whole public sector. This would be an unmitigated disaster for the employment prospects of disabled people.

The justification is that the public sector has a role in promoting equality for disabled people and therefore should include the costs of employing disabled people in their 'expenditure baselines'. This would 'free up' additional funds for use by small and medium size businesses.

ATW is the corner stone for equality of opportunities in employments – and is as vital to public sector employees as to private sector employees. Trade unions should oppose the 'playing off' of one group of workers against another. Rather than withdrawing funding from public sector disabled employees to increase the budget for those working for small private sector employers, the overall budget for this extremely successful scheme needs to be increased.

The withdrawal of Access to Work funding takes place at a time when budgets are being cut across the public sector. It is hard to credit the Government seriously believes that in this hard financial climate the public sector job opportunities for disabled people who require significant additional support costs will not be severely affected.

It is also hard reconcile this change with the Government's professed objective of transferring large numbers of disabled people from dependence on benefits to employment.

TUDA is contacting public sector unions and disability organisations to launch a campaign to save Access to Work based on the following demands:

- * Access to work funding for disabled workers in Government Departments must be re-instated.
- * Eligibility for AtW support to be a statutory right for all disabled people.
- * There must be a substantial increase in service and publicity budgets for the AtW scheme
- * Current delays must be tackled by streamlining and shortening the process of assessment.

TUC DISABILITY CONFERENCE held at the TUC, Congress House, London 24 & 25 May 2006. The motions below convey the main points and any recent progress made until October 2006 as reported to the TUC Disability Committee.

Comment: The conference was largely successful. Repeatedly delegates were asked if their access needs were being met which was good, but things had to move quite fast at the end in order to complete all the business.

Resolution 1 - Access to Work (resolutions 1, 2, 3)

The General Secretary Brendan Barber wrote to John Hutton following our conference. He has had a response with lots of words but with little meaning.

Despite this, it was decided that Mark Fysh would speak to the General Secretary again because members still had very many concerns.

Resolution 2 - Benefit reform (Composite 1 – motions 4 and 6 and amendments; and resolution 5)

We just don't know what the plans are, so we will have to wait and see. The TUC protects non-working as well as working people. TUC Equality Officer Peter Purton has been in constant liaison with Richard Excell, the Trade Union DRC Commissioner, but we simply do not yet know what the Government intends.

Resolution 3 - Poverty (resolutions 7, 8) Some are and some are not existing TUC policy. Letters have been written and we await a reply.

Resolution 4 - Reasonable Adjustments (resolution 9, amendment) This overlaps things on ATW. In addition, the General Secretary has written to the Government, but statutory guidance cannot be changed except by parliamentary action. The resolution highlighted problems caused by delays in implementing reasonable adjustments, and invited the TUC to ask the Disability Rights Commission to issue strengthened guidance on when delay itself became an illegal act. It also called for more resources for ATW and a statutory right to disability leave, and for the involvement of trade

union safety representatives where disabled staff are awaiting adjustments.

Action The issues around ATW will be addressed in the action reported previously. The TUC will additionally contact the DRC to discuss ways in which additional guidance on the matters raised can be produced. The TUC's Health and Safety officers will be invited to consider the points raised about the role of safety representatives.

Resolution 5 - Organising disabled people (resolution 10) The resolution did not call for any specific action or new policy. The opportunity for trade unions to recruit disabled members is an integral part of the work of the TUC to promote understanding and backing for disability issues across the trade union movement through publications, training and campaigning which will continue.

Resolution 6 - Mental health (resolution 11, amendment) The resolution notes the disproportionate ignorance about and discrimination against people with mental health issues in employment, and notes the role of a long hour's culture in worsening the situation.

Action: Following earlier work in association with the Disability Rights Commission to highlight issues around mental health and employment (itself following a large-scale national campaign run by MIND with TUC backing some years ago), a joint TUC/DRC web-based advice guide on mental health and employment is about to be published, serving as a resource for workplace representatives and trade union officers and covering a wide range of questions associated with mental health issues. Its availability will be widely publicised across the trade union movement and it will be available from both the TUC and DRC websites. Discussion is also taking place with Unionlearn about including more on mental health in TU Education.

Resolution 7 - Disability discrimination indicators (resolution 12) The resolution calls for the TUC to examine statistical indicators of disability discrimination and work to remove barriers. The TUC does routinely study statistics that demonstrate the position of disabled people, and uses such information to back its ongoing campaigns, and publications. This will continue.

Neurodiverse people and HE (resolution 13) The resolution identifies the effect of the Government's "Respect" agenda in relation to neurodiverse people, with negative impact on their chances of participating in higher education.

Action The TUC has written to the Home Secretary to draw attention to the way that the Government's "respect" agenda is contributing to the exclusion faced by many neurodiverse people and to call for

guidance to be issued and training to be put in place that tackles these concerns.

Educational institutions (resolutions 14, 15) The resolutions identify that many employers fail to comply with their DDA obligation to consider reasonable adjustments, and that in particular the delegation of employer functions to school/college governing bodies increases the difficulty of achieving redeployment, and flexible working arrangements. Lack of resources also reduces the prospect of disabled teachers obtaining employment because of inaccessible workplaces.

Action The TUC has written to the Department for Education to draw attention to the consequences of delegation for disabled teachers in terms of Access to Work, redeployment, reasonable adjustment (etc), and to the National Council for School Leadership and the Training and Development Agency to encourage greater attention to access for disabled people to training and employment as teachers.

Disability Equality Training (resolutions 16, and amendment, 17) The resolutions note the numerous cases where fundamental lack of understanding of disability leads to discrimination and exclusion, and calls for recognition of the fundamental importance of disability equality training in the workplace and in trade union education. The amendment adds recognition of the role of the Disability Champions scheme (the Committee, in supporting the motion, expressed a reservation at this being seen as the only possible model and made the point about the importance of disability equality training being provided by disabled people themselves).

Action The TUC has advocated disability equality training as the best mechanism for increasing understanding of disability issues in its recent major publications and will continue to urge unions to adopt this approach with employers, especially in the early days of the Disability Equality Duty when the opportunity to persuade public sector bodies to invest in training their staff will be highest. The TUC also continues to support the Disability Champions training programme as an excellent route to increasing the number of workplace representatives who have knowledge and understanding of the DDA and disability employment issues. Discussions are also taking place with Unionlearn to promote further training for trade unionists on disability equality, with particular reference to the DED.

Constitutional (resolution 18) The resolution called for the constitution of the TUC to be amended to allow the equality conferences to submit two motions to TUC Congress and for direct representation from the Conferences on the General Council.

Action A similar motion was submitted to Congress 2006 by the LGBT Conference, where it was defeated. The item will be dealt with under a later item on the agenda of the Committee.

Performance measures (resolution 19) The resolution highlights continued discrimination against disabled people in performance appraisal schemes. It calls for the promotion of the making of “soft” adjustments to individual and team targets to counter discrimination against disabled workers.

Action The TUC has been aware of the discrimination described in the resolution as a result of previous reports, and research projects, and has incorporated the issue into its recent updated advice to unions, *Disability and Work*. This publication has been well received and widely distributed throughout the trade union movement (a reprint being necessary because of the demand).

Emergency Planning (resolution 20) The resolution calls for unions to be reminded that when employers are making plans to cope with emergencies, disabled people are not disadvantaged.

Action The TUC will circulate unions inviting them to provide any examples of good practice in this area, which will then be shared with unions through the TUC website.

Disability Equality Duty (resolutions 21, 22) The resolution welcomes the DED but asks that the TUC campaign for its extension to the private sector, that ATW be extended and disability leave introduced, and that advice be provided for unions on particular aspects.

Resolution 22 calls for the TUC itself to adopt an equality scheme. It was explained to conference that the original proposal (to adopt a race equality scheme) had been superseded by a new equality plan and that work on this was ongoing within the TUC.

Action Much of the action called for is standing policy and has been incorporated into the TUC’s advice on the DED. The best expectation on extending the duty beyond the public sector lies now with the Single Equality Act, and this issue will be taken into account as part of TUC lobbying.

There will be no difficulty in publishing a revised edition of *Promoting Disability Equality* to incorporate additional advice encouraging unions to negotiate with employers on funding to remove barriers and incentives for disabled people to declare their status, if concrete examples of success in such negotiations – and in particular, successful outcomes for disabled people – are provided by affiliated unions. The TUC has invited members of the Committee, and equality officers, to provide such examples.

Discussion on whether and how the TUC should adopt a general equality scheme is ongoing within the Organisation.

Housing (resolution 23) The resolution covers the issue of housing becoming accessible for disabled people. The Committee explained to conference that the TUC does not have the resources; the knowledge or the expertise to progress the detailed matters covered by the resolution and is not in a position to undertake a campaign on this matter. The union proposing the motion (NUJ) will be invited to provide sufficient detailed information including on Government departmental responsibilities; to enable the TUC to write to the relevant minister raising the main concerns expressed.

Speaker John Hutton MP, Secretary of state for Work & Pensions

He said he was pleased to have been invited. The Government's aim was set out to deliver substantive equality for disabled people by 2025. This vision is what the Labour Party and Trade Unions are all about: an equality that stretches back to Beveridge and sees the right to work as being fundamental: an equality that gives respect and improve the rights of disabled people. In Britain with the DDA we have much better legislation than any other country. Our aim is to deliver enforceable and comprehensive civil rights for disabled people.

Jobcentre Plus and the New Deal means employment has risen twice as fast as the population as a whole. But we realise we have more to do if we are to achieve our goal of substantive improvements. For those who can, we believe that work is the best way out of poverty. We set ourselves an 80% target for employment, with security for those that cannot work with a higher level of benefit. The pilots have shown that we can make a difference to disabled people. The Office of Disabled People has been set up specifically to deal with this. John thanked us for listening to him.

Questions: I said I was pleased people would be empowered and our views will be heard. I said I would tell him a little story. Telling him I was asked to answer some questions for DWP. I wrote back and said can you please send me the form by e-mail, in a format that I can deal with, but heard nothing. Later I had another letter that said we need your reply urgently. I rang and said what I had done. They said we don't send things by e-mail. Well Mr Hutton it is just not good enough. Please can I have a commitment in future that you will provide information in whatever format people require?

Answer: We are working very hard to improve and we need to do more so we are actually considering that at the moment.

The funding for Access to Work has tripled. Huge wrong things to be righted still, but some things have got better. John admitted that IB & SDA are indeed falling and it is not out of control. There were many questions reflecting people's frustration. Mr Hutton said, don't believe the majority of stories because the stories are just totally rubbish. Mr Hutton's message was we have nothing to fear!

Speaker Mark Fysh chair of the TUC Disability Committee and General Council Member

He gave a comprehensive report of the Disability Committee and an interesting summary of his own personal history.

Speaker Richard Excell from the TUC

He said it is an honour to speak to this conference. The subjects to talk about are what are happening to disabled people generally and what is happening to benefits in particular. Disabled people's rights and responsibilities and the rights and wrongs of the Green Paper. Those who have read the documents will recognise a fair bit of what he was saying. So what's happening that is positive? We have called our response to the Green Paper a positive approach because there is more to be positive about, but there are things to be angry about too. Disabled organisations did a lot to achieve this and we should be proud. Incapacity benefit media stories are mainly wrong, saying it is out of control because of fraud and malingering. But do we have the same responsibilities? Well, we are still a long way from achieving that, and to be fair the government has recognised that. The report on Life Chances is a huge step forward, but we have to watch out in case the Government starts backsliding. The Pathways to Work, due to lobbying, is the most successful employment programme this country has ever had and will now operate all over the country.

A couple of problems however: Resources, it can only be successful if the way in which disabled people enter the system is made better by making sure the assessments are fair, and it cannot be done on the cheap. Conditionally regime, the spending on employment programmes at adequate levels but it is still no where near reaching the level of demand. The second problem is the plans for delivery arrangements. At Pathways to Work it was a great success and we agree with that statement, because the staff actually worked night and day to achieve what they did. Contracting out rarely makes a saving because our public sector is so good. The government seems to want

to privatise even though they have accepted that argument. That will make it difficult for disabled people.

Assisted dying debate by Jane Campbell from the DRC and an equality advisor to the Government, also Tom Shakespeare from University of Newcastle talking about the Assisted Dying Bill

Jane first talks about this tricky issue. She has been thinking about this for about three years. This is not centred on a moral, ethical or faith-based position on the right to live or die. I think it is impossible to introduce a regulatory framework to support disabled people and not put them at risk. I do not think the time is right for this debate or this legislation. I believe that our current socio-economic climate discriminates against people with severe or terminal illnesses.

Tom: We will start with choice: we demand choice, we want to choose. So the first point is, it is inconsistent that we should have control of our lives until it comes to dying. The disability movement has always promoted the principal of equality. Disabled people could not kill themselves safely but non-disabled people could. There is an anomaly here. You can refuse life saving treatment but you can't request the right to die. It is not about killing disabled people; it is about people with a terminal incurable illness.

We were thanked for a mature and considered debate on this subject.

TUDA supporter Joanna Whisker has written another heartfelt article to share with members. Again some people can probably identify with it. Joanna has been a wheelchair user since 1984 when an accident resulted in a high-level spinal cord injury. Following rehabilitation at Stoke Mandeville Hospital, she's now busy writing, motorcycling and promoting the rights of disabled people. Having fun is a top priority, too, as is enjoying her family and meeting lots of lovely people. Read on ...

DO UNTO OTHERS..... Vandel Victors

Imagine. You are lying in a hospital bed, flat on your back, staring at a white ceiling, enclosed by white walls. Make your body go completely limp and dead. You cannot move a muscle from the neck down.

Imagine. Your head is fixed by a two-pound weight suspended from a metal cradle. The legs of the cradle are screwed into three holes drilled into your skull. You cannot move your head.

Imagine. It is August. It is hot. A wasp lands on your mouth. No one is near. You cannot shout for help in case it decides to investigate your tonsils. After a ticklish stroll around your lips, it decides to look up your nose. You try hard to blow down through your nostrils, to blow it away. But with reduced lung capacity all you can do is treat the wasp to a cooling breeze.

Imagine. The wasp was hungry and looking for food. Its intentions were probably honourable but you are not in the best position to ask. Eventually it flies away.

Imagine. You thank any and every God available that it did not sting you, and that your paralysis alleviated all risk of brown-stained sheets. In August 1984 I was that person, and I have a lot to thank that wasp for. With the in-born arrogance of human beings I thought I was indestructible, unbreakable. An accident proved otherwise, but what the wasp taught me was the feeling of being intimidated when completely powerless. I had to wait for it to leave on its terms. That wasp had no desire to intimidate me, it was searching for food: a gentle predator. One of the most successful predators on this planet is Man, and we have perfected intimidation to a level of cruelty unknown in other species, and with a subtlety that could be described as an art form.

Dictators across the world demonstrate how power corrupts; how they intimidate their people physically, emotionally, economically. Hate crime against disadvantaged groups in this country will not go away. Men still use their physical strength to abuse women, and women still use emotional blackmail to abuse men. Paedophiles destroy the sexual moral code. Verbal abuse surrounds us, and bullying in school has been, and remains a problem.

From my own experience, I believe the majority of young people are a positive force in the community, and have no wish to intimidate or be intimidated. However, there still remains a vestige of fear related to people who are a 'bit different', who do not look or behave quite the same as everyone else, who do not have as much confidence and self-esteem as everyone else. Fear can paralyse people, creating an inability to answer or fight back, and give the impression they are willing victims to bullying techniques.

You and me, let's learn together. The first lesson is - do not become that wasp exploring someone's nostril. Remember that imagined feeling of powerlessness. Do unto others.....

Disability Charter is launched

TUDA officially launched the Trade Union Charter for Disability Equality during a very successful fringe meeting at the TUC Disabled Members'

Conference. The first unions to sign up were Bectu and the Communication Workers Union (CWU).

The Charter is intended to enable unions to make a positive commitment to fulfilling their obligations under the Disability Discrimination Act (DDA) within a social model of disability context. It is accompanied by a briefing document, which shows how the Charter is linked to the DDA and the accompanying Code of Practice.

The Charter was finalised after a six-month consultation period, where all trade unions were contacted to ask for their comments on the draft version. All comments were considered by the Executive Committee, and as many as possible were incorporated into the final version.

Delegates who attended the fringe meeting were extremely supportive of the Charter. A range of suggestions was made about how to get all trade unions to adopt it.

Bectu delegates explained how they had used their disabled members' committee structure to discuss the Charter and to forward it to the General Secretary and National Executive for comments and later adoption. CWU explained how they had used the alternative method of proposing a motion to their annual conference for the union to adopt it.

TUDA's aim is to get all trade unions to adopt the Charter by the end of 2007. For more information and for copies of the Charter and the briefing document, contact our secretary Alan Martin or visit our website at www.tuda.org.uk

BCODP FUNDING CUT

TUDA Executive Committee member Jane Perry writes: I was very proud to start representing TUDA at the British Council of Disabled People. Disabled people representing themselves: what could be more empowering or more appropriate? I was horrified to find out how under-funded BCODP is, especially now the grants from the Department of Health are to stop. The BCODP is rightly critical of the welfare reforms that disabled people face, so I guess I shouldn't be surprised that the grant got the chop - how subtle! It's becoming all about non-disabled people making decisions for disabled people AGAIN. So I would ask all disabled people to become members and recruit disabled friends to join. Also I would ask people to talk to as many disabled organisations as possible asking them if they are affiliated to BCODP and, if they are not, then why they are not? BCODP is about empowering disabled people and surely no one is against, is going to admit that they are against that!! It's OUR council fighting for OUR rights lets show it OUR support.

BCOCP, Litchurch Plaza, Litchurch Lane, Derby, DE24 8AA. Tel: 01332 295551

I wish to receive more Information about TUDA: -

Please send post to: Alan Martin at **BM TUDA, London WC1N 3XX**

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