

# **Disabled workers' experiences during the pandemic**

**A TUC Report**

## Short summary

Before the outbreak of the Covid-19 pandemic disabled workers faced huge barriers getting into and staying in work, including significant difficulties in accessing reasonable adjustments, in spite of the fact that this is a legal duty for employers.

The pandemic, and the huge changes it has caused to our everyday lives, has exacerbated the barriers disabled people face. Not only have disabled people been disproportionately affected in terms of loss of life, with six in 10 Covid-19 related deaths being disabled people, but pre-existing workplace barriers have been accentuated by the pandemic.

We conducted this research to better understand how pre-existing workplace barriers have been affected by the pandemic and the impact it has had on disabled workers.

One in eight disabled workers did not tell their employer about their disability, health condition or impairment, with many believing that telling their employer would lead to negative consequences.

Almost one in four of these (24 per cent) said that they did not tell their employer they were disabled because they thought that, as a direct consequence, they would be treated unfairly. And over a third (38 per cent) did not tell their employer because they were worried that if their employer knew they were a disabled worker they would think that they could not do their job.

These findings speak to negative workplace cultures where discriminatory attitudes towards disabled workers influence how safe workers feel to be open about being a disabled person.

These fears of being treated poorly are well founded. Our findings show that the prevalence of unfair treatment is alarmingly high. Around one third of disabled workers responding to our survey reported being treated unfairly at work because of their disability, health condition or impairment.

The research found that around one in eight disabled workers (13 per cent) were concerned their disability, health condition or impairment had affected how their performance would be assessed by their manager. A similar proportion (12 per cent) were concerned their disability, health condition or impairment had affected their chances of a promotion in the future. And 7 per cent had their commitment to their job questioned.

And one in 12 disabled workers (8 per cent) told us they had been subjected to bullying and/ or harassment, for example being ignored or excluded, singled out for criticism or excessive monitoring at work.

This reflects earlier [TUC research](#), which found that the most common issues union reps had to tackle on behalf of members were disability-related.

Putting in place reasonable adjustments for disabled workers is one way to remove the practical barriers they face at work and ensure they are able to reach their full potential.

Another way to remove the barriers disabled people face in work, and society, is to embed the social model of disability into UK law which would focus on the ways in which society is organised, and the social and institutional barriers that restrict disabled people's opportunities.

All employers have a legal duty under the Equality Act 2010 to proactively make reasonable adjustments to remove, reduce or prevent any disadvantages that disabled workers face. The law recognises that to secure equality for disabled people work may need to be structured differently, support given, and barriers removed.

However, our research revealed that getting and keeping reasonable adjustments in place is an ongoing issue for disabled workers. Before the pandemic, over four in 10 (45 per cent) of disabled workers who asked for reasonable adjustments failed to get any or only got some of the reasonable adjustments they asked for put in place and one-fifth (20 per cent) who had identified reasonable adjustments had not asked for them. This means that more than half of disabled workers 55 per cent who identified reasonable adjustments were not getting all the reasonable adjustments they needed.

During the pandemic over half of disabled workers (53 per cent) reported they worked from home, with only around one in eight (13 per cent) having done so before this point. This resulted in many disabled workers needing new reasonable adjustments, for example access to speech-to-text for web-based meetings.

However, the difficulties for disabled workers in getting and keeping reasonable adjustments continued during the pandemic with almost half (46 per cent) of those who requested reasonable adjustments failing to get all or some of the different/additional reasonable adjustments they needed to work effectively and, three in 10 of all disabled workers (30 per cent) who needed a reasonable adjustment had not asked for them.

Both before and during the pandemic over two in five disabled workers were not told by their employers why their request for adjustments had not been implemented (44 per cent before the pandemic, 41 per cent after). This makes it very difficult for disabled workers to challenge the failure by their employer to implement the adjustments. Lack of an explanation as to why a request has been rejected could also amount to discrimination.

Health and safety issues were of real importance during the pandemic, with many workers asked to shield because they had a significantly increased risk of complications if infected with Covid-19. This group of workers were disproportionately likely to be disabled. The importance of employers taking steps to minimise workers' exposure and risk of infection was paramount. However, health and safety issues were of concern during the pandemic with almost half (46 per cent) disabled workers who faced additional risk telling us they had not discussed any additional risks they faced from the virus with their employer because of their disability, health condition or impairment when they did face some. This rose to over half of disabled workers (54 per cent) who worked outside of their home during the pandemic.

Of those who had discussed the additional risks they faced from the virus one in four (25 per cent) said their employers had only 'taken some action' but not all actions possible and 7 per cent said their employer took 'no action at all' as a result. This was higher for disabled workers who worked outside their home during the pandemic with over a third of disabled

workers (34 per cent) in this group saying their employers had only 'taken some action' but not all actions possible and 12 per cent saying their employer took 'no action at all' as a result.

It is clear that the existing legal protections and workplace initiatives used to identify and remove workplace barriers disabled workers face are not effectively addressing the scale and seriousness of the issues they encounter. Too often the current legislative protections are proving in too many cases to be paper-based protection only and not properly protecting disabled workers.

Our research also found that more than one in five (21 per cent) of workers advised to shield continued to work outside of their home most of the time. All workers advised to shield and who could not work from home should have been furloughed to protect their health. They should not have had to choose between their livelihoods or their health.

As we exit the pandemic it is essential that equality is at the centre of the road to recovery or we risk further entrenching the already significant discrimination and disadvantage that disabled workers face. We know, for example, that without access to reasonable adjustments disabled workers are at greater risk of losing their jobs. This is significant at a time of economic downturn with high job losses and has the potential to increase both the disability employment gap and disability pay gap. [Evidence](#) has also shown in previous times of economic downturns disabled workers have been the first to lose their jobs and the last to be re-employed.

We need urgent action from government in ensuring protections set out in the Equality Act 2010 are adhered to through provision of additional funding to the EHRC for enforcement action and for the EHRC's Code of Practice to be strengthened with updated examples on reasonable adjustments implementation. This must be underpinned by new legislation introducing mandatory disability pay gap reporting aimed at providing greater transparency on disability employment and pay gaps and the steps employers intend to take to address them.

We need employers to improve compliance with their proactive duty to make reasonable adjustments both in disabled workers' access to reasonable adjustments and the speed with which they are implemented. Action is also needed to tackle the discrimination and unfair treatment that too many disabled people face at work. These steps will in themselves help start to build disabled workers' confidence in providing monitoring data.

Without effective workforce monitoring employers will not know if the actions they have taken have had an impact and disability pay and employment gap reporting will have limited impact based only on a partial view of disabled workers in the workforce. It is important, therefore, that when employers build confidence, it is not based on vague assurances but built through eliminating discrimination, addressing incidents of unfair discriminatory treatment and implementation of reasonable adjustments. The most effective way of shaping this action is around the social model of disability.

The TUC has adopted the social model of disability. The social model of disability focuses on the ways in which society is organised, and the social and institutional barriers that restrict disabled people's opportunities. The social model sees the person first and argues that the barriers people face, in combination with their impairments, are what disables them. Barriers can make it impossible or very difficult to access jobs, buildings or services, but the biggest barrier of all is the problem of attitudes to disability. Removing barriers is the best way to better include millions of disabled people in our society.

## Recommendations

Our research has highlighted the impact the pandemic has had on disabled workers and how it has further exacerbated the workplace barriers they encounter.

Existing legal protections and workplace initiatives used to identify and remove these barriers are not effectively addressing the scale and seriousness of the issues identified in this research both because they are inconsistently implemented within workplaces and are difficult to enforce.

## Government

In the Queen's Speech the government promised to release a National Strategy for Disabled People to set out practical changes to remove barriers and increase opportunity for them. The government's vision should be built around the social model of disability and developed with the full involvement of disabled people.

*The social model of disability:* The government should move away from the medical approach to disability as set out in the Equality Act 2010 and adopt the social model of disability. One way of bringing the social model of disability into the heart of UK law would be to make the United Nations Convention on the Rights of Disabled Persons (UNCRPD) enforceable within UK law.

Fully incorporating the Convention would bring the added benefit of addressing one of the outstanding recommendations the UNCRPD to the UK on how to improve and make further progress against the Convention's aims.

*Disability pay gap reporting and action plans:* The government must introduce mandatory disability pay gap reporting for all employers with more than 50 employees.

The legislation must be accompanied by a duty on employers to produce targeted action plans identifying the steps they will take to address any gaps identified, including ensuring disabled workers feel confident in completing workplace equality monitoring.

These action plans must be produced in consultation with recognised trade unions and when completing them employers should:

- collect and publish disability pay gap data in a similar manner to gender pay gap reporting, including the proportion of disabled people in each pay quarter
- collect data from disabled workers and job applicants in areas including:
  - recruitment and promotion
  - pay and remuneration
  - training
  - appraisals
  - grievances and disciplinary action
  - dismissals and other reasons for leaving.

- use this to inform targeted action plans
- set targets for improving disabled workers' representation at all levels of their organisation
- measure and report progress against those targets annually
- work with trade unions to establish targets and develop positive action measures to address inequalities linked to disability within the workforce.

These actions would help employers improve the confidence of their workers to tell them about their disability, health condition or impairment. The legislation and action plans would also provide a framework for employers to examine their policies and practices to ensure disabled workers are treated fairly throughout their employment.

## Regulatory bodies

*Guidance for employers:* The Equality and Human Rights Commission should update their statutory Code of Practice on employment, so it includes more examples of what timely implementation of reasonable adjustments looks like.

Our research identified issues with implementation both before and during the pandemic.

We believe a practical and timely way of improving employer practice in this area, and thereby ensuring workers' reasonable adjustments are implemented in a more quickly, is by providing more detailed practical examples of timely implementation within the Equality and Human Rights Commission's statutory Code of Practice on employment.

The main purpose of the code is to provide a detailed explanation of the Equality Act 2010. The explanation in turn assists courts and tribunals when interpreting the law and helps lawyers, advisers, trade union representatives, human resources departments and others who need to apply the law and understand its technical detail.

Additional guidance in the code will therefore inform these groups' interpretation of the law and therefore their practice.

*Targeted enforcement:* The EHRC should receive additional ring-fenced resources to conduct targeted enforcement of workers' right to reasonable adjustments.

*Guidance for employers on the use of positive action:* the EHRC should develop practical guidance for, and with, employers to increase their understanding and confidence in using the positive action provisions permitted in the Equality Act to address under-representation of disabled people.

## Employers

Employers should take the following actions.

*Review existing policies:* Workplace policies should be reviewed in light of this report, with the relevant unions' and disabled workers' involvement to ensure that their policies appropriately address disabled workers' issues and that they are taken seriously.

*Introduce disability pay gap reporting:* Employers should not wait for the government to bring in mandatory disability pay gap reporting and should take immediate steps to identify and address any gaps they have. They should:

- collect and publish disability pay gap data in a similar manner to gender pay gap reporting, including the proportion of disabled people in each pay quartile
- collect data from disabled workers and job applicants in areas including:
  - recruitment and promotion,
  - pay and remuneration
  - training
  - appraisals
  - grievances
  - disciplinary action
  - dismissals and other reasons for leaving
- use this to inform targeted action plans
- set targets for improving disabled workers' representation at all levels of their organisation
- measure and report progress against those targets annually
- work with trade unions to establish targets and develop positive action measures to address inequalities linked to disability within the workforce.

*Make use of positive action provisions:* Where an employer has identified under-representation of disabled people, they should strongly consider using positive action as a way of addressing this, for example within training and/or recruitment.

*Consult with disabled staff and their trade unions on steps to promote equality and eliminate discrimination:* Employers should consult with disabled staff and their trade unions on the best way to remove barriers and address the underlying causes of disability pay gaps, in recognising that disabled people themselves should be able to determine the solutions to the issues they face.

*Promote disabled workers' confidence in workforce equality monitoring:* Employers must take steps to ensure disabled workers and job applicants feel confident taking part in workforce equality monitoring. These steps should be developed with disabled workers and recognised trade unions and focus on eliminating discrimination, addressing incidents of unfair discriminatory treatment and implementation of reasonable adjustments. They should be shaped around social model of disability.

*Reasonable adjustments:* Employers must take all steps they can to ensure they comply with their proactive duty to implement reasonable adjustments as soon as is possible. Where employers are unable to implement or turn down the request for the reasonable adjustments, they must provide workers with written reasons for turning down the request.



Reasonable adjustments involve removing physical barriers to employment and/or providing extra support for a disabled worker. Employers must also do more to meet their Equality Act obligations to put in place reasonable adjustments for disabled workers in a timely manner.

One way of doing this is by adopting the [TUC's Reasonable Adjustments Disability Passport](#) which, in addition to putting in place a system for putting and keeping in place reasonable adjustments for workers, also sets out an employer's obligation to respond to a request for a reasonable adjustment within an agreed timeframe with written reasons where a request has been turned down.

## **Trade unions**

Trade unions should take the following steps.

Unions should work with employers to review disability monitoring policies and practices to ensure any barriers to disabled workers confidently sharing information in equality monitoring exercises are identified and removed.

Unions should negotiate for the introduction of disability pay gap reporting, making sure publication of data is accompanied by an action plan to close any gaps identified. The plan should be informed by monitoring data on key areas of the employment relationship.

Unions should negotiate for the introduction of the [TUC's Reasonable Adjustments Disability Passport](#) and a system based on the social model of disability.

## Introduction

The coronavirus pandemic has shone a stark light on the deep and persistent structural inequalities that cut across the UK. Working-class families have been hit hardest by Covid-19, facing the greatest health risks and are on the frontline of rising job losses.

It is clear that the pandemic has had a disproportionate impact on disabled people with six in 10 of all deaths involving Covid-19 being disabled people. The impact of the virus on disabled people has resulted in a massive loss of life that cannot be understated or explained away. It has also had a profound effect on the private, social and work lives of disabled people.

Disabled members have voiced concerns the pandemic will push more disabled workers and their families into poverty. Before the pandemic [research](#) showed that half of those in poverty, 6.9 million people, were from families that included a disabled person. In work we know that one of the consequences of the Covid-19 crisis is likely to be significant job losses linked to the economic downturn and recession.

ONS data already shows that between January 2020 and March 2021 there were 830,000 job losses.<sup>1</sup> A figure that would be much higher without the furlough scheme, which has undoubtedly protected millions of jobs throughout the pandemic.

In the 2008–2009 recession, disabled employees were more likely than non-disabled people to experience negative changes to terms and conditions and working practices, such as wage freezes, reduced overtime, and the reorganisation of work. Research reveals that during economic upturns disabled people are the last to gain employment, and during downturns they are first to be made unemployed.

Evidence has already started to show that disabled workers are disproportionately targeted for redundancy, with [ONS data](#) revealing redundancy rates are 62 per cent higher for disabled workers than their non-disabled peers.

Disabled people are already under-represented in the labour market, with the disability employment gap (the difference between the employment rates of disabled and non-disabled people) standing at 29.8 percentage points on average.<sup>2</sup> They face additional discrimination on top of this: not only are they less likely to have a paid job, but when they do, disabled people earn substantially less than their non-disabled peers with the [disability pay gap measuring 20 per cent](#).

Disabled members have raised concerns with their unions about poor employer practice over the pandemic. Examples include employers pressuring workers who had been advised to shield to return to work outside of the home and furloughing disabled workers rather than implementing their reasonable adjustments that would have enabled them to work from home.

We know that putting in place reasonable adjustments for disabled workers is one of the best ways to remove the barriers they face at work and ensure they are able to reach their full potential. Another is to embed the social model of disability into UK law which would

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<sup>1</sup> HMRC Pay as You Earn Data - ONS

<sup>2</sup> Between Q3 2019 and Q2 of 2020

focus on the ways in which society is organised, and the social and institutional barriers that restrict disabled people's opportunities.

Yet, despite the fact that all employers have a legal duty under the Equality Act 2010 to proactively make reasonable adjustments to remove, reduce or prevent any disadvantages that disabled workers face, evidence was clear that before the pandemic disabled workers had difficulties getting and keeping in place reasonable adjustments.

The pandemic brought about huge changes to where and how people worked but the need, and the legal duty, to put reasonable adjustments in place did not change. Disabled members highlighted issues of concern about the difficulties they have had getting and putting in place reasonable adjustments during the pandemic.

One reasonable adjustment that our members told us they often request and have turned down is working from home. The pandemic has turned that dynamic on its head with many of those disabled workers now being forced to work from home. This has been a revolution for many who've found the experience positive. It is noted here as it's an important reasonable adjustment type. But given the importance of this issue and its prominence during the pandemic we will be covering this separately in a forthcoming report.

Job satisfaction is another issue for disabled workers, with TUC research in November 2020 finding disabled workers were less likely to feel that they could raise issues with management and most likely to express some concern with returning to work than average workers.<sup>3</sup>

It is within this background and context that we commissioned research to better understand the impact the pandemic is having on disabled workers' jobs, livelihoods and families (including workers with health conditions and workers with impairments). This will help us ensure disabled workers jobs are protected as the UK goes further into recession.

This report examines the research findings linked to disabled workers' confidence to tell their employer of their disability, health condition or impairment; unfair treatment at work; disabled workers' access to reasonable adjustments before and during the pandemic; and disabled workers' access to health and safety information and advice.

The research has helped us identify what the key issues faced by disabled workers are now and the difficulties faced as we move forward.

## Methodology

In order to better understand disabled people's experiences in work over the pandemic, the TUC commissioned in-depth research. In February 2021 we surveyed 2,003 disabled workers, or workers who have a health condition or impairment, or were shielding and who were in work at the start of the pandemic (March 2020).<sup>4</sup>

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<sup>3</sup> BritainThinks conducted an online survey of 2,231 workers in England and Wales between 19 and 29 November 2020. It boosted the disabled workers sample from 63 to 103 respondents to ensure it was representative and conclusions could be drawn from its findings.

<sup>4</sup> We will refer to respondents to our survey throughout as disabled workers.

In total just over one in four respondents (26 per cent) reported that they had been told to shield.<sup>5</sup>

This report examines the research findings linked to:

- workers' confidence to tell their employer of their disability, health condition or impairment
- unfair treatment at work
- workers' access to reasonable adjustments before and during the pandemic
- workers' access to health and safety information and advice.

## Monitoring data

Monitoring workers' equality characteristics is an important tool for employers.

It allows employers to develop smart strategies and set targets to improve representation throughout their business. This could be, for example, to set targets to address under-representation of women within the senior levels, to remove barriers preventing disabled workers from progressing or to identify pay disparities between different groups. It also helps employers understand how effective their policies aimed at promoting equality and dismantling barriers for disabled people at work have been.

It is important that disabled workers feel able to tell their employer about their disability. The more disabled workers give their monitoring data the better the picture the employer has of the diversity of their workforce. This in turn allows for targeted and accurate plans to improve diversity. However, some disabled workers have told us of their reluctance to provide their monitoring data because they believe doing so will lead to negative stereotypes about disabled workers impacting on them and the perception of their capabilities.

To address this, employers should be clear as to why and how they will use the information so that disabled workers know they will not be treated poorly as a result of providing that information.

In this research we wanted to know more about disabled workers' experiences at work and to understand which experiences were due to them telling their employer about their disability, health condition or impairment. And where a worker had not informed their employer of this information, to understand the barriers that stopped them from doing so. This information, and understanding, will help policy makers, employers and unions to increase workers' confidence that they will not be treated poorly as a result of telling their employer of their disability, health condition or impairment.

The majority of disabled workers (86 per cent) had told their employer they were disabled, had a health condition or impairment.

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<sup>5</sup> By 'shield' we specified that respondents had been told they should stay at home wherever possible, and take precautions not to expose themselves to coronavirus (Covid-19) infection.

However around one in eight (12 per cent) had not told their employer they were disabled, had a health condition or of their impairment.

We asked disabled workers why they had not told their employer.

49 per cent said it did not affect their job (57 per cent men vs 43 per cent women).

This indicates workers saw the only valid reason to tell their employer about their disability, health condition or impairment was linked to whether they needed reasonable adjustments or not. They had not considered the importance of equality monitoring in building employers' understanding of the workforce and the impact that could have on its policies or workers. This individualised approach points to a lack of employer engagement to explain the reasons behind the collection of monitoring data and the wider role it plays in ensuring policies work for everyone.

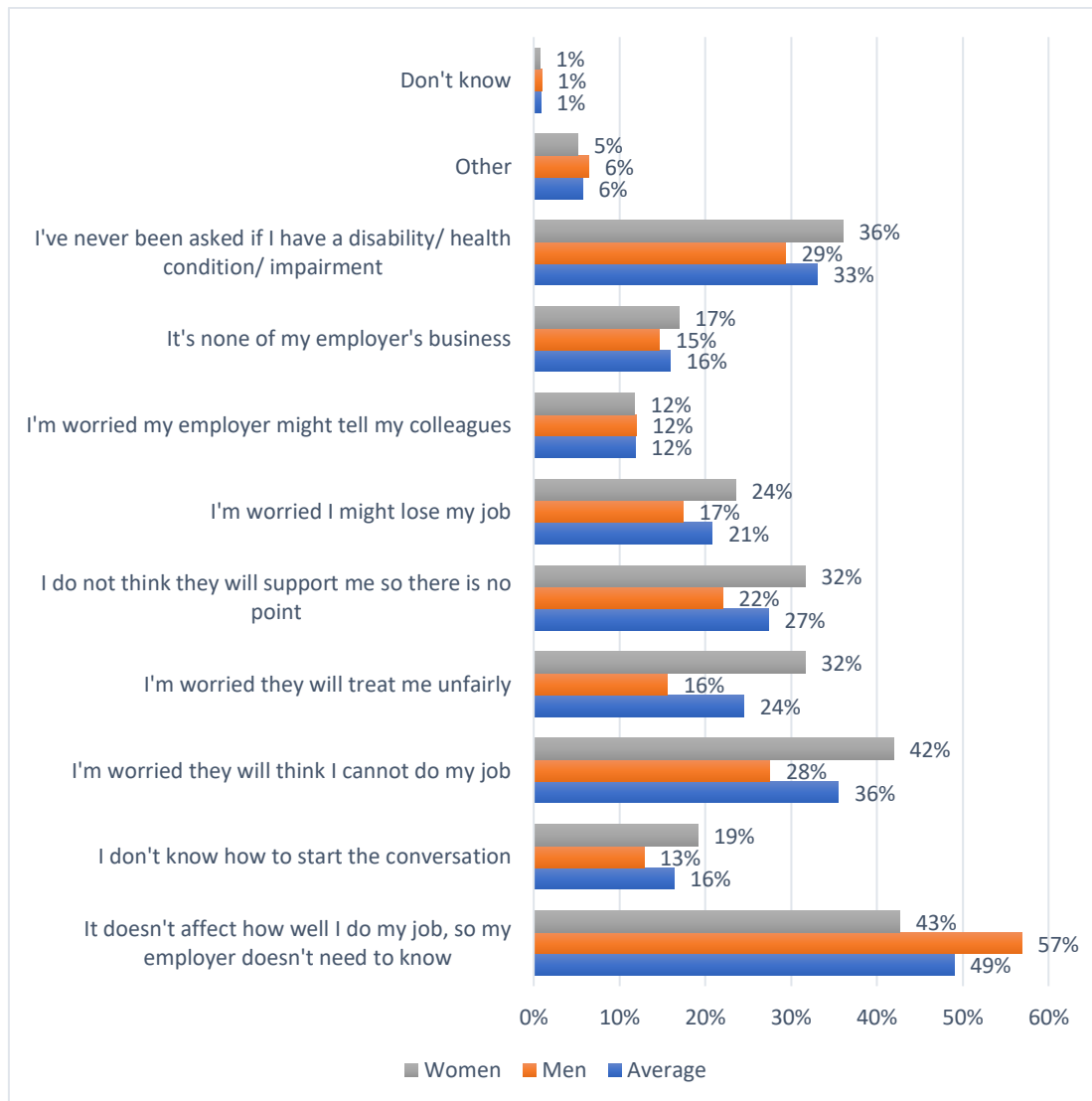
## Reasons for not telling an employer about a disability, health condition or impairment

We asked disabled workers who had not told their employer about their disability, health condition or impairment what the reason was for not sharing this information. They were able to select multiple reasons for not sharing this information.

Reasons given included over a third who were worried that their employer would think they could not do their job (36 per cent), over a quarter that they did not think their employer would support them if they did (27 per cent) and just under a quarter who thought that they would be treated unfairly as a result (24 per cent).

And around one in six (16 per cent) disabled workers reported they did not tell their employer because they did not know how to start the conversation.

**Table 1 – Reasons for not telling an employer about a disability, health condition or impairment**



These findings speak to negative workplace cultures where discriminatory attitudes towards disabled workers are prevalent and influence how safe workers feel to be open about being a disabled person.

It is clear employers must do more to support their workers and clearly demonstrate that there will not be negative consequences as a result of sharing this information.

It is the employer's responsibility to build trust and confidence in their policies and practice in this area, so workers know the culture of the organisation is one that supports openness and positive promotion of equality for disabled people within the framework of the Social Model. Workers must be convinced they will not experience negative outcomes from telling their employers about their disability, health condition or impairment. This starts with having clear and accessible policies, setting out reasons for collecting monitoring data and communicating it effectively.

## Unfair treatment at work

TUC research in November 2020 found disabled workers were less likely to feel that they could raise issues with management (and more likely to express some concern with returning to work than non-disabled workers).<sup>6</sup>

To better understand why disabled workers reported lower job satisfaction and reported being less likely to feel that they could raise issues with management we wanted to know more about their experiences at work.

We asked disabled workers about their treatment at work since the coronavirus (Covid-19) pandemic started and if they had experienced any unfair treatment because they are disabled, have a health condition, impairment or were shielding.

We found that around one in three disabled workers (30 per cent) had experienced one or more types of unfair treatment. This shows the fear that disabled workers have that they would be treated unfairly as a result of telling their employer of their disability is based on their lived reality.

These experiences showed that disabled workers were concerned their disability, health condition or impairment or shielding status had led to them being:

- concerned their disability, health condition or impairment had affected how their performance would be assessed by their manager. – 13 per cent
- concerned their disability, health condition or impairment had affected their chances of a promotion in the future – 12 per cent
- subjected to bullying and/ or harassment, for example being ignored or excluded, singled out for criticism or excessive monitoring of work – 8 per cent
- questioned over their commitment to their job – 7 per cent
- given harder or less popular tasks at work compared to other colleagues in a similar role/ level of seniority – 4 per cent
- not had a pay rise/ bonus when other colleagues have – 4 per cent
- denied access to paid overtime when others have been able to access overtime – 3 per cent
- singled out unfairly for redundancy – 2 per cent
- singled out unfairly for furlough – 2 per cent
- given fewer hours/ shifts – 2 per cent
- scheduled for less popular shifts – 2 per cent

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<sup>6</sup> BritainThinks conducted an online survey of 2,231 workers in England and Wales between 19 and 29 November 2020. It boosted the disabled workers sample from 63 to 103 respondents to ensure it was representative and conclusions could be drawn from its findings.



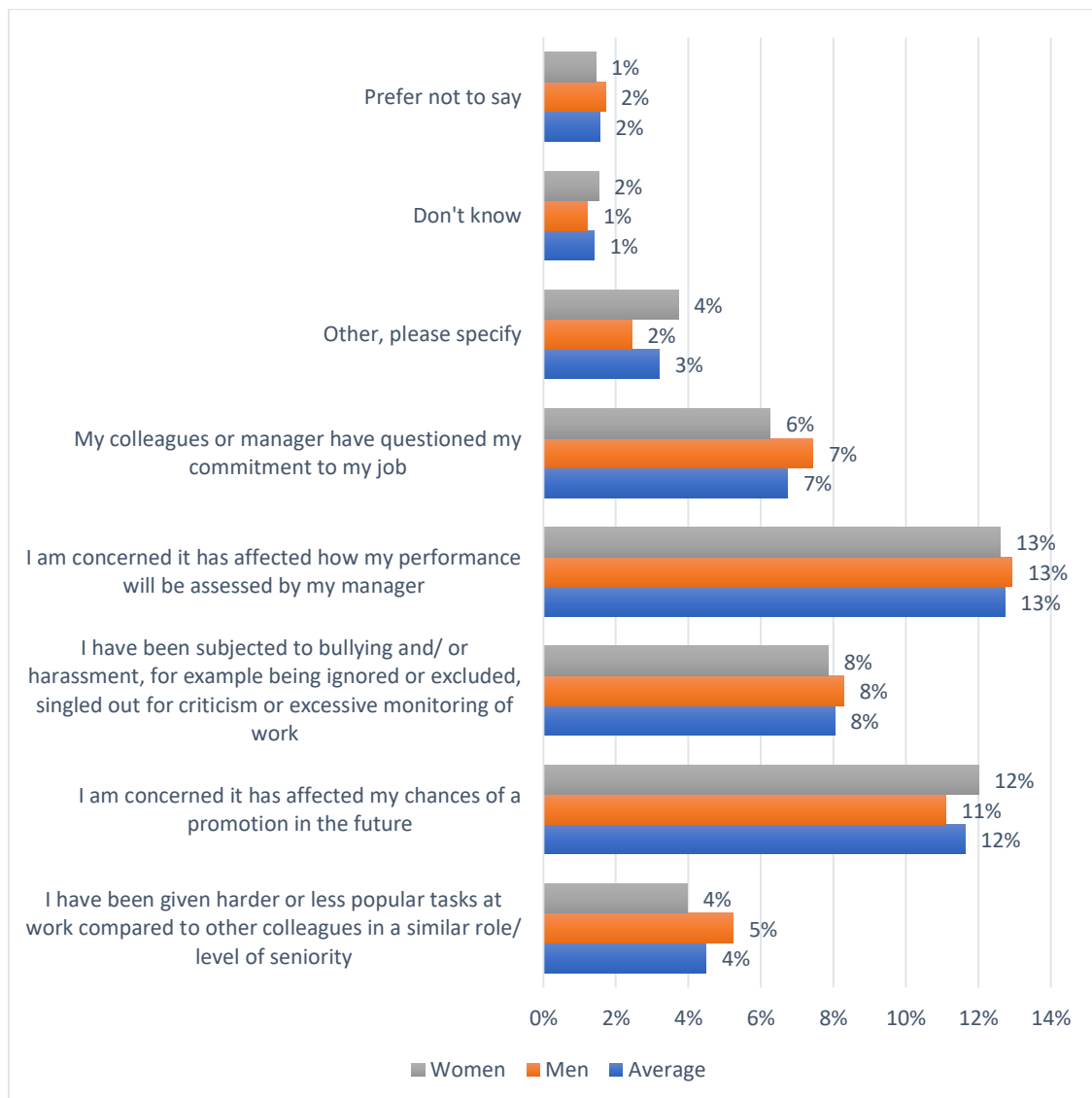
- negatively impacted regarding other benefits (e.g. pensions) – 2 per cent

67 per cent of disabled workers told us they had not experienced any unfair treatment because of their disability, health condition, impairment or because they were shielding, two per cent preferred not to say and one percent responded they did not know if they had experienced unfair treatment.

To understand disabled workers experiences of unfair treatment of work we asked, “Which, if any, of the following examples of unfair treatment have you experienced at work because you are disabled, have a health condition, impairment or were shielding.”

Disabled workers were able to select multiple responses to the question.

**Table 2 - Which, if any, of the following examples of unfair treatment have you experienced at work because you are disabled, have a health condition, impairment or were shielding?**



**Quote:** "I've been given earlier AND later shifts without being asked and told that I have to do them. This affected time away from work."

**Quote:** "I was passed over for more responsibility and roles in favour of those who weren't 'awkward.'"

**Quote:** "I had to do the same amount of work in less hours."

## **Financial implications of unfair treatment at work**

The pandemic has had negative financial implications for disabled workers on top of existing issues linked to pay, poverty and financial stress.

### ***Pre-pandemic financial issues***

Before the pandemic it was well documented that the cumulative impact of the tax and welfare reforms brought in over the last 10 years had disproportionately impacted on disabled people; for example [EHRC research](#) shows the disproportionate negative impact of benefit reforms on disabled people, finding that disabled people (36.8 per cent) were nearly three times as likely to experience severe material deprivation as non-disabled people (13.5 per cent). A later [EHRC report](#) found households with at least one disabled adult and a disabled child lost just over £6,500, over 13 per cent of average net income, annually because of changes to taxes, benefits, tax credits and universal credit.

Indeed, the negative impact of the benefits system, including universal credit, on disabled people in the UK was [highlighted by the UN Rapporteur Philip Alston](#).

[TUC analysis](#) of the disability pay gap between Q3 2019 and Q2 of 2020 found that gap had increased over the previous 12 months to 20 per cent, which meant that, on average, a disabled worker is paid to £2.10 less an hour or £3,800 less a year based on a 35-hour work week.

The TUC also looked at the effect financial stress had on workers in a poll of 2,700 people over the age of 16 in either full-time or part-time work in 2019.<sup>7</sup> An analysis of disabled workers' experiences found they are more likely to have to resort to going without basics to get by than other workers. It found:

- 20 per cent of disabled workers have put off buying children's clothes due to lack of money, compared to 12 per cent of non-disabled workers
- 34 per cent of disabled workers have cut back on food for themselves, compared to 18 per cent of non-disabled workers
- 35 per cent of disabled workers have gone without heating on a cold day, compared to 17 per cent of non-disabled workers

### ***During the pandemic***

Research conducted by the TUC in November 2020 indicated disabled workers were more likely to say their household's disposable income had decreased since the coronavirus

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<sup>7</sup> GQR, Working Life in Britain: Survey of working people – addendum, August 2019

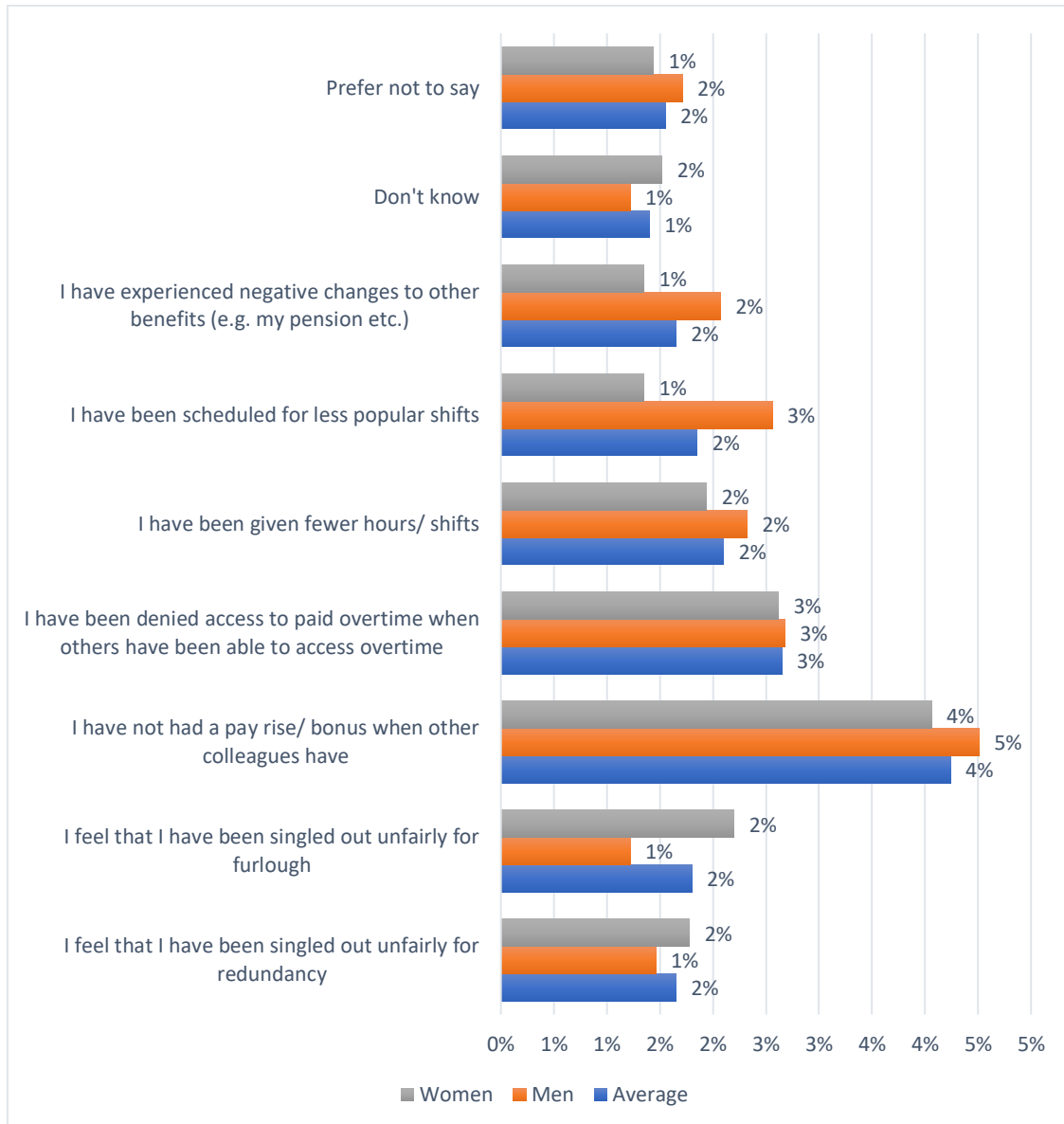
pandemic had begun (47 per cent disabled workers vs 36 per cent non-disabled workers) and they had to cut back on spending at the end of the week/month more because they might run out of money/have run out since the pandemic started - 46 per cent disabled workers vs 31 per cent non-disabled workers).

This current research sought to better understand some of the reasons behind this.

It found that one in 25 (4 per cent) disabled workers reported they had not had a pay rise/ bonus when other colleagues had and 3 per cent said they had been denied access to paid overtime when others had been able to access it.

A small minority of disabled workers also said they'd been given fewer hours/shifts (2 per cent), been scheduled for less popular shifts (2 per cent) and had been singled out unfairly for furlough (2 per cent) and redundancy (2 per cent).

**Table 3 - Thinking about the time since the coronavirus (Covid-19) pandemic started in the UK (i.e. since March 2020) which, if any, of the following examples of unfair treatment have you experienced at work because you are disabled, have a health condition, impairment or were shielding? (Please select all that apply)**



**Quote:** "I was due a pay rise after completing my probation period, which I didn't get... which means my colleague (job share) will be getting more money than me for two years!! Meant all during furlough I have had less furlough pay as well."

## Reasonable adjustments

All employers have a legal duty under the Equality Act 2010 to proactively make reasonable adjustments to remove, reduce or prevent any disadvantages that disabled workers face.

The law recognises that to secure equality for disabled people work may need to be structured differently, support given, and barriers removed.

An employer who fails to meet their legal duty under the Equality Act 2010 to make reasonable adjustments is in breach of the law and could be taken to an employment tribunal.

These adjustments are meant to remove workplace barriers and are crucial to ensuring disabled people have equal and fair participation at work. Examples of reasonable adjustments include home working, providing adapted work equipment like an appropriate chair or keyboard, making an alteration to a building or providing specialist computer software.

However, disabled members have told their unions, and the TUC, that in before the pandemic they were often forced to re-explain and frequently renegotiate their reasonable adjustments if, and when, they got them in the first place.

Pre-pandemic [TUC research](#) found that one of the most common issues for workplace reps was disability. Over half of reps dealt with disability-related issues between 2014 and 2016, showing the high prevalence of workplace disability-related issues.

These issues included ensuring employers put in place reasonable adjustments for their disabled workers as required by the Equality Act 2010.

We wanted to understand how the pandemic had impacted on disabled workers and their ability to get and keep in place the reasonable adjustments they needed and therefore asked them about their experiences before and during the pandemic.

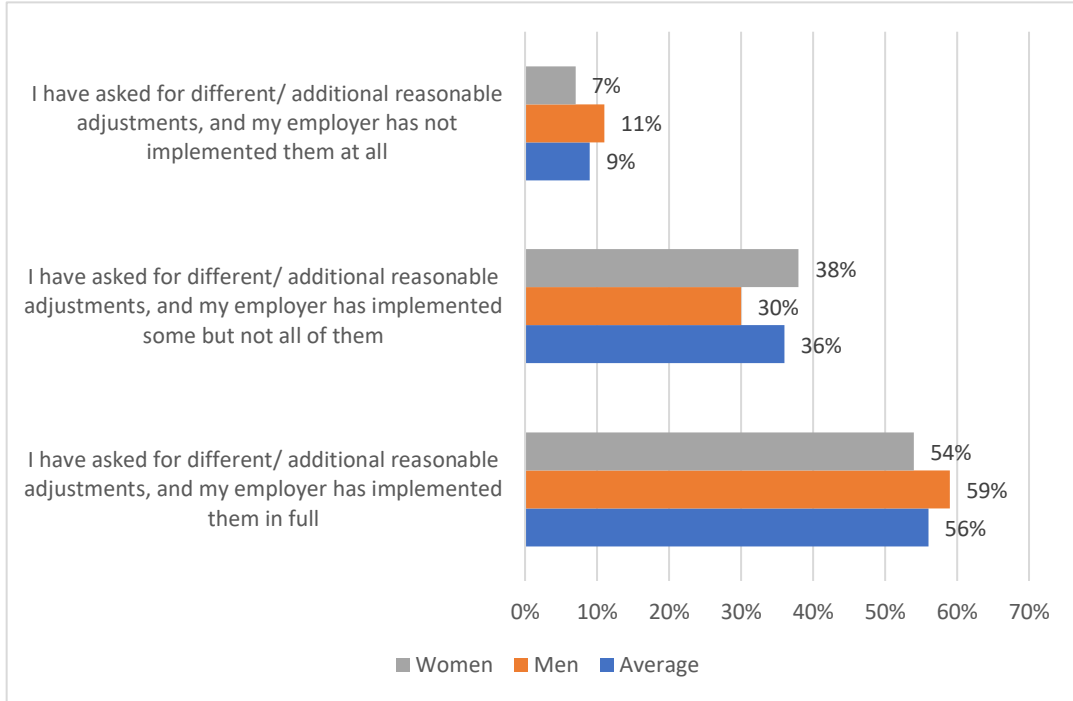
## Pre- and during the pandemic reasonable adjustments requests

Both before and during the pandemic disabled workers were not given all the reasonable adjustments that they asked for. Over half of disabled workers (56 per cent) told us that before the pandemic they had asked for reasonable adjustments and that their employer had implemented them in full while just over half (55 per cent) told us they had asked for additional or different reasonable adjustments during the pandemic, which their employer implemented in full.

However, over four in 10 disabled workers (45 per cent) had either only had some (but not all) or no reasonable adjustments that they had asked for put in place before the pandemic.

And over four in 10 disabled workers (46 per cent) told us they had asked for different/additional reasonable adjustments during the pandemic, but their employer had only implemented some (but not all) of them or did not implement any of them.

**Table 4 - Thinking generally about your own working situation... Which ONE, if any, of the following BEST applies to you?<sup>8</sup>**



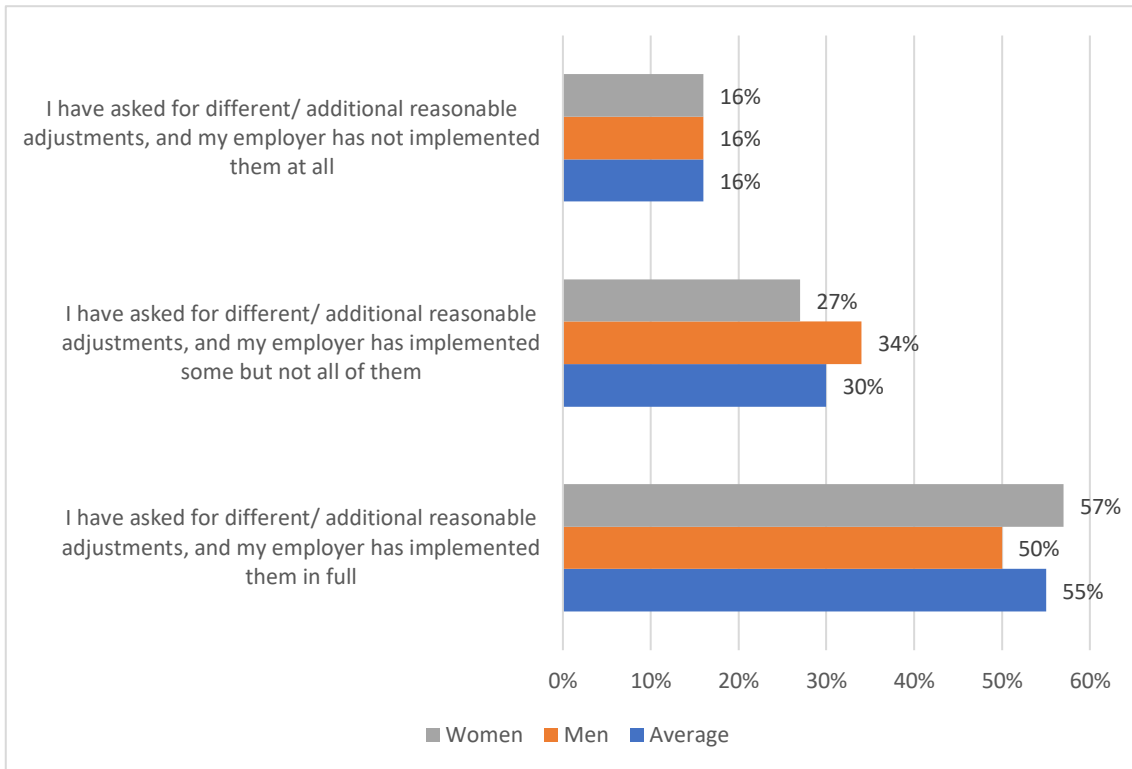
*Pre-Pandemic*

- over a third of disabled workers (36 per cent) had asked for reasonable adjustments and their employer had implemented some but not all of them. And one in 11 disabled workers (9 per cent) told us they had asked for reasonable adjustments, but that their employer had not implemented them at all.

**Table 5 – Now thinking about the time since the coronavirus (Covid-19) pandemic started in the UK (i.e. since March 2020) and any change to your working situation**

<sup>8</sup> This table only shows those who identified a need for reasonable adjustments.

**that occurred because of the pandemic... Which ONE, if any, of the following BEST applies to you?<sup>9</sup>**



*During the Pandemic*

Of those that had asked for different/additional reasonable adjustments:

- around a third (30 per cent) had some, but not all, implemented,
- one in six (16 per cent) had had none implemented by their employer

**Quote:** “Reasonable adjustments from the office are forgotten now I'm at home, but I'm still disabled.”

These findings indicate that even before the pandemic there was still a lot of work to be done to ensure disabled members had the adjustments they needed put in place.

More work must be done with employers to ensure disabled workers get the reasonable adjustments they need to do their job.

**Reasons for reasonable adjustments being not implemented**

<sup>9</sup> This table only shows those who identified a need for reasonable adjustments.

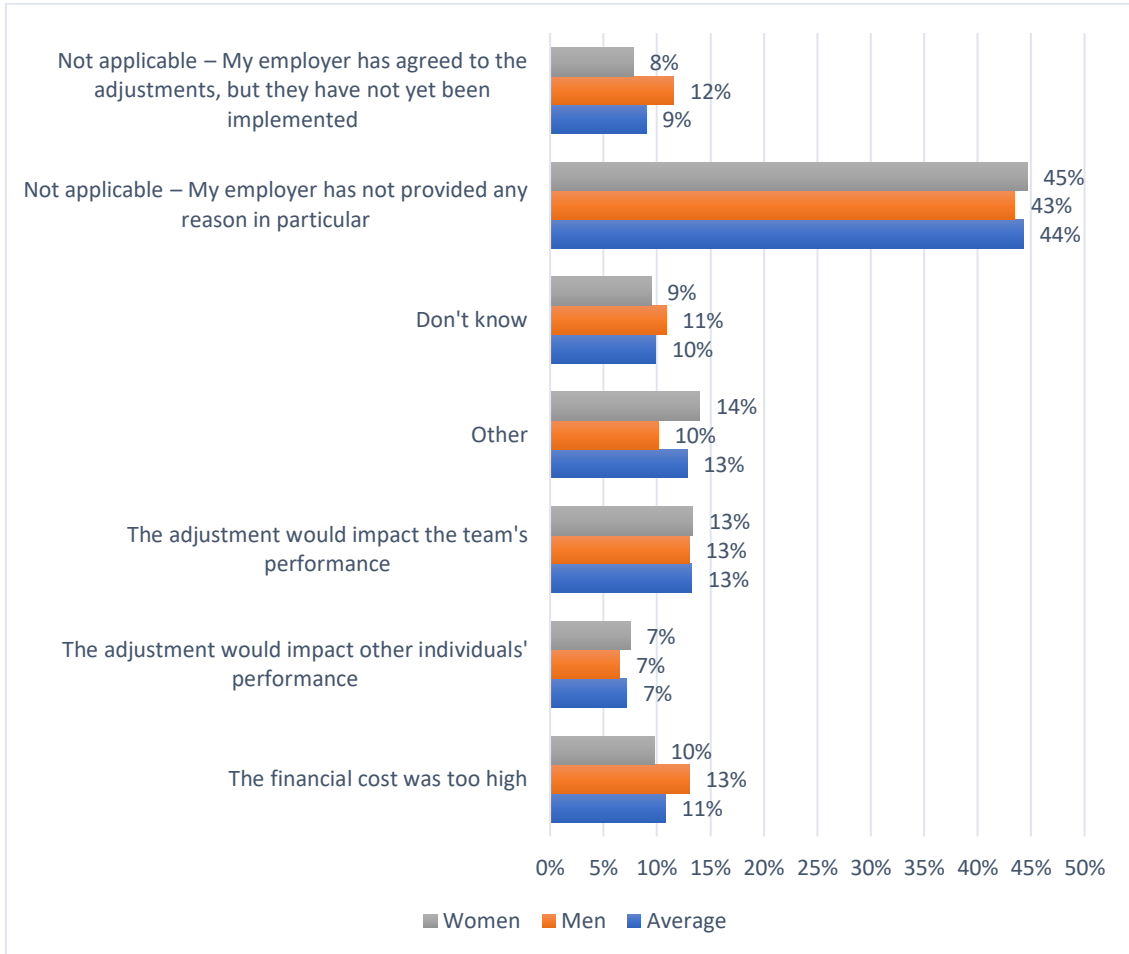
We wanted to understand why employers had not implemented all the reasonable adjustments asked for and so asked disabled workers for the reasons given for not implementing them.

Over four in 10 (44 per cent) were not told the reason for refusal to implement a request made before the pandemic while just over four in 10 (41 per cent) workers were not given a reason for the refusal to implement the different/additional reasonable adjustment request during the pandemic.

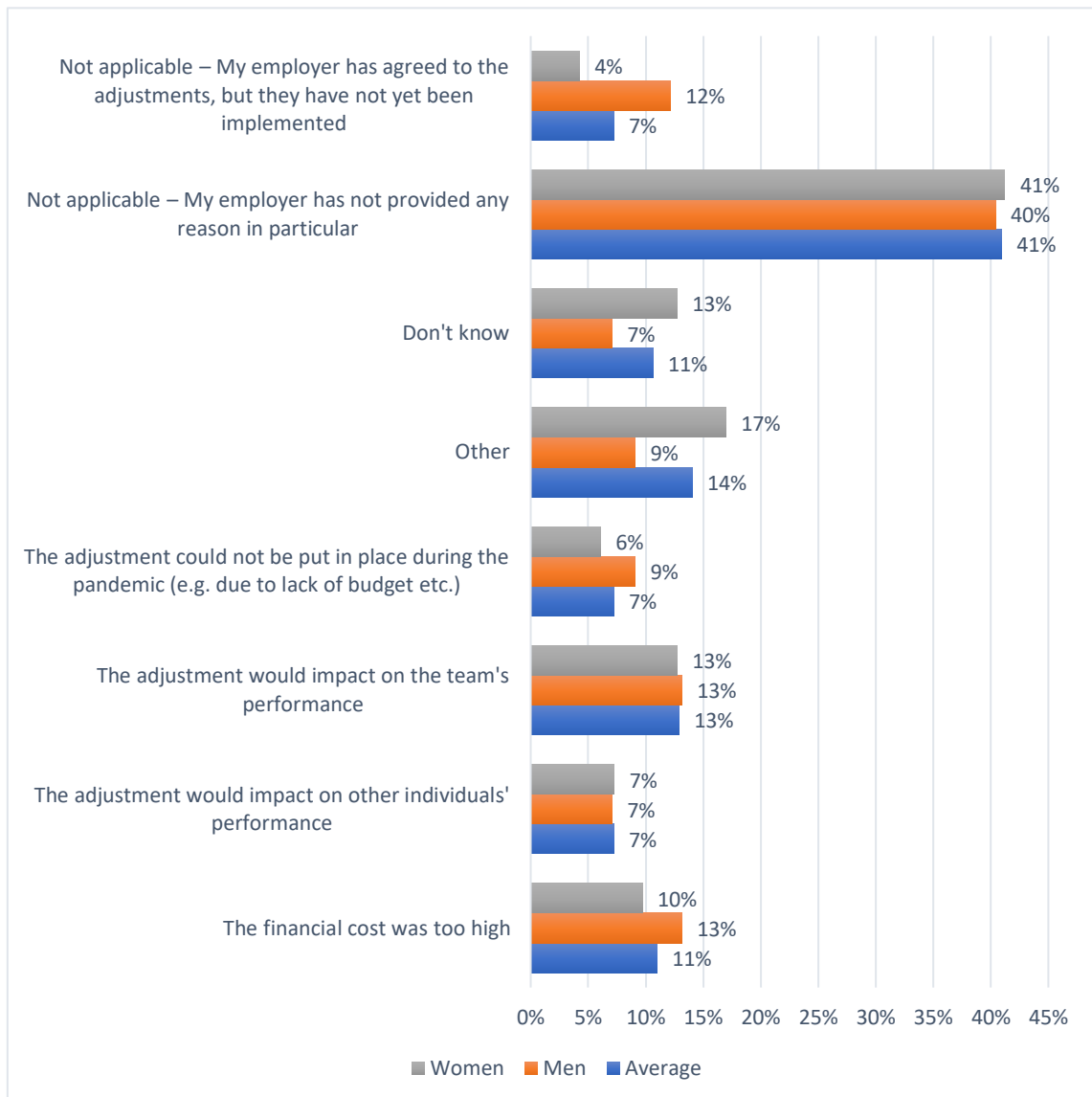
**One disabled worker told us:** "I was removed from the office and told not to work when I struggled to walk rather than being offered reasonable adjustments."



**Table 6 - Which, if any, of the following reasons has your employer given for not implementing these requests?**



**Table 7 - You previously said that your employer has not implemented of your requests for different/ additional reasonable adjustments during the pandemic. Which, if any, of the following reasons has your employer given for not implementing these requests**



**Quotes - Experiences during the pandemic**

- "I have experienced negative comments at online meetings because I cannot see my own image."
- "Meetings have been scheduled using methods that are more difficult for me because of my disability."
- "My co-workers refused to pull down the face masks so I can lipread them."
- "I have experienced intense pain because my employer has not provided me with the disability-related tools that I have at work."

## Reasonable adjustments required but not requested

One in five disabled workers (20 per cent) pre-pandemic and almost a third (30 per cent) during the pandemic who identified reasonable adjustments needed told us they had not requested them.

This is a concern that some disabled workers did not feel able to request the adjustments they needed to do their job. This reluctance to request needed adjustments is clearly linked to the early finding in this report around disabled workers provision of monitoring data and reasons given for not providing it,<sup>10</sup> i.e. that it would have negative consequences for them at work.

Employers need to carefully look at disabled workers' reasons for not requesting the adjustments they need and to develop strategies to empower disabled workers to make requests when needed knowing they will not suffer a detriment as a result.

## Waiting for implementation

Before the pandemic started, under one in 10 (9 per cent) told us they had not had their request for reasonable adjustments turned down and were waiting for them to be implemented, while a similar proportion (7 per cent) reported their employer had agreed to the adjustments, but they had not yet been implemented during the pandemic.

The period where workers are waiting for adjustments that have been approved to be implemented is however not without issues.

One worker explained this clearly.

**Quote:** "I was told to take sick leave while waiting for an adjustment to be organised, then told off and harassed for being off sick."

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<sup>10</sup> One in 10 (12 per cent) of disabled workers had told their employer of their disability, health condition or impairment because they were worried about negative consequences

## Health and safety

We wanted to learn about the discussions employers were having with disabled workers, and those with health conditions or impairments, about any additional risks they might have from coronavirus (Covid-19) because they are disabled or have a health condition or impairment.

We asked disabled workers if they and their employer had discussed any additional risks they might have from the virus. One in three (33 per cent) disabled workers told us they didn't have any additional risk from the coronavirus. And just over one in three (35 per cent) disabled workers said they had discussed additional risks they might have with their employer.

However, almost half (46 per cent) told us they had not discussed the additional risks they faced from the virus because of their disability, health condition or impairment. This rose to over half (54 per cent) among those who worked outside of their home throughout the pandemic.

We asked those who had discussed the additional risks they faced with their employer to what extent, if at all, had their employer taken action as a result of the discussion.

Two in three (66 per cent) disabled workers said their employer took all action possible.

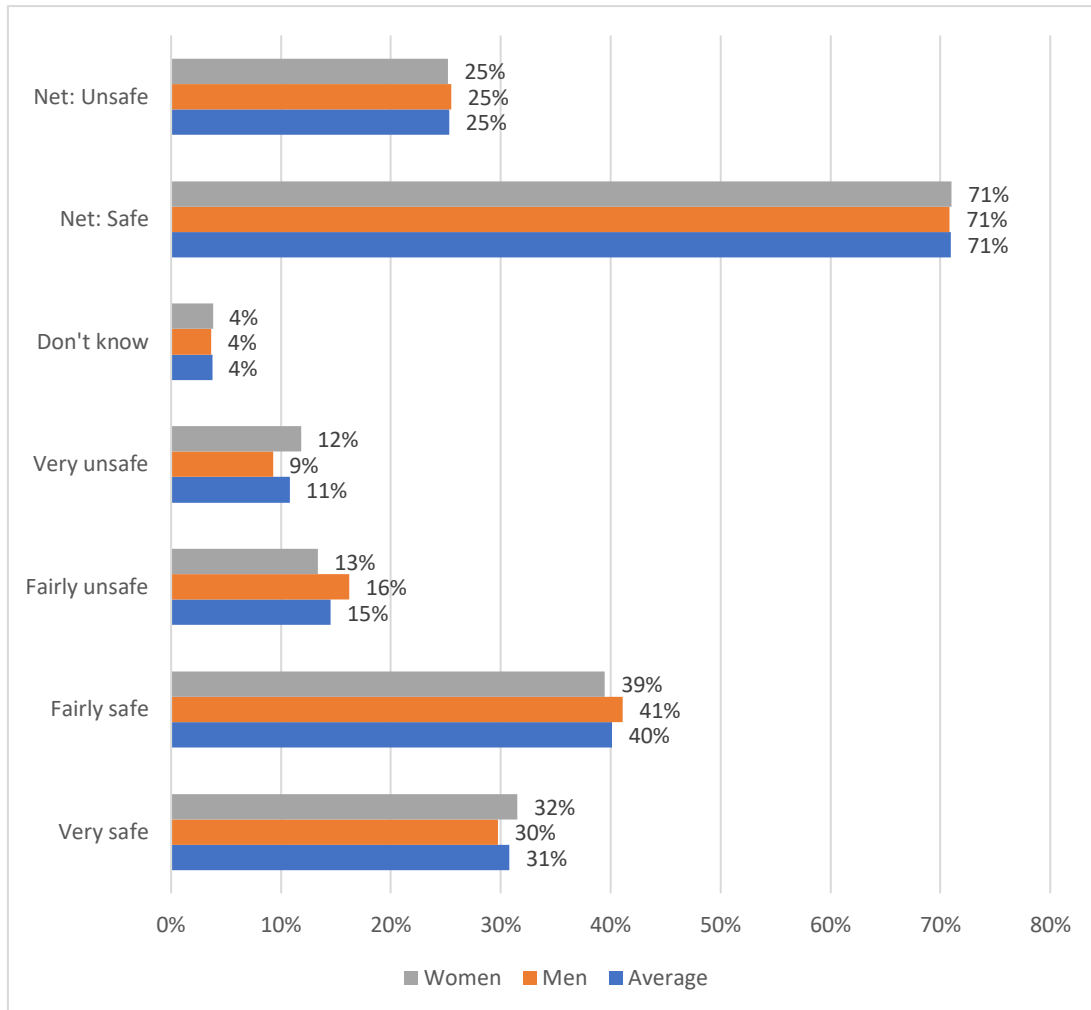
However, one in four (25 per cent) said their employers had only 'taken some action' and around one in 14 (7 per cent) said their employer took 'no action at all' as a result. While 34 per cent of those who worked outside of their home throughout the pandemic said their employer had only 'taken some action' but not and 12 per cent said their employer took 'no action at all' as a result.

## Feelings of safety

We wanted to know how safe or unsafe disabled workers and those with a health condition or impairment, felt at work when thinking about working during the coronavirus (Covid-19) pandemic.

One in four (25 per cent) disabled workers reported feeling unsafe, this rose to 30 per cent among those who worked outside of their home throughout the pandemic.

**Table 8 - Thinking about working during the coronavirus (Covid-19) pandemic and safety in terms of contracting/ spreading the virus... How safe or unsafe do you feel at work?**



### Shielding Workers

On 29 March 2020 more than 2.2 million people who were considered 'clinically vulnerable or extremely vulnerable' were advised by the government to shield to protect their health as they were at high risk of severe illness from Covid-19 if infected. An estimated 28%, or 627,000, of those asked to shield were workers. This is in line with the proportion of shielding workers replying to our poll (26%).

Throughout the pandemic government advice was to work from home where possible. This differed from the advice given to workers on the shielding list who were told to shield at home and avoid all face-to-face contact, in order to protect them from Covid-19. For many this meant working from home for the first time and adapting to new ways of working. We commissioned this research to understand the experiences of shielding workers during this time.

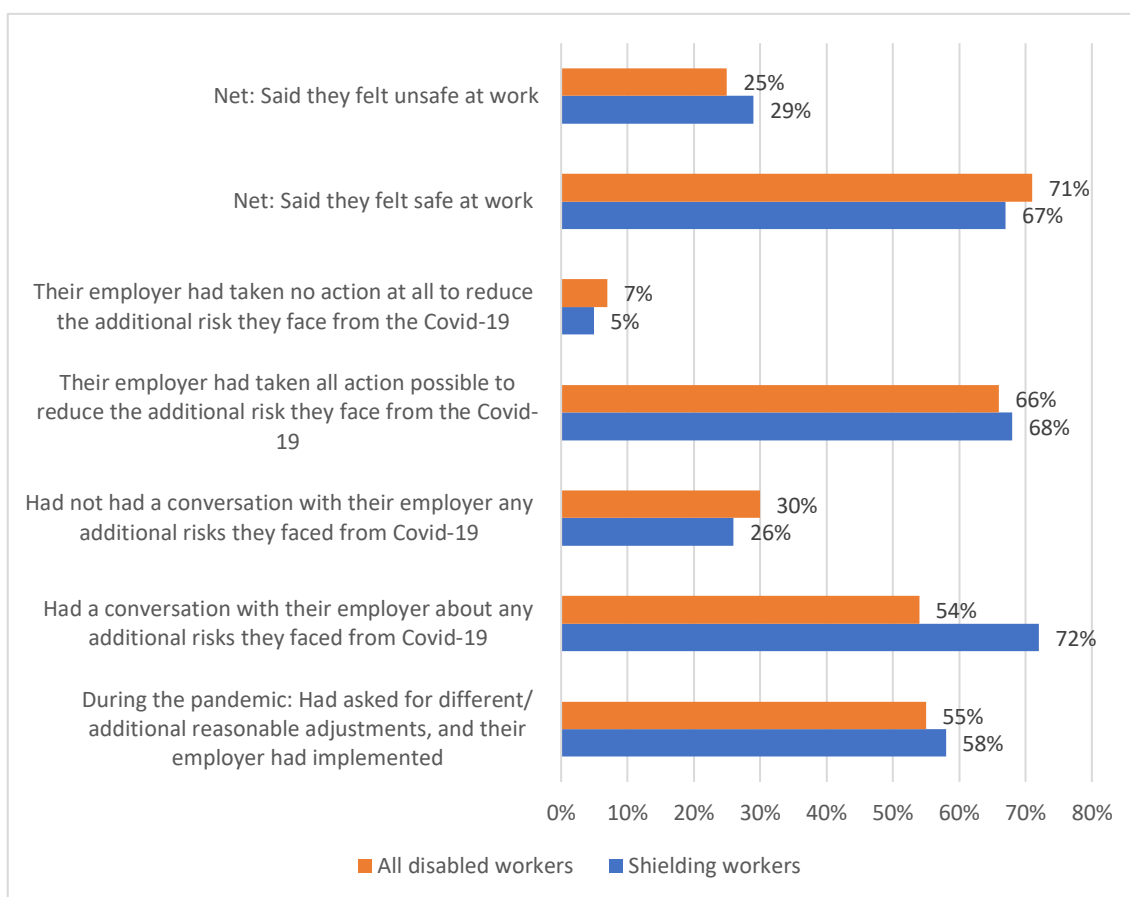
Our research found that, despite government advising workers to shield because they were at high risk of severe illness if infected with Covid-19, more than one in five (21 per cent) continued to work outside of their home most of the time. This included those advised to shield because they were defined as clinically extremely vulnerable, clinically vulnerable or for other reasons e.g. separately advised by their GP. As the TUC highlighted in [an earlier report](#), all workers advised to shield and who could not work from home should have been furloughed to protect their health. They should not have had to choose between their livelihoods or their health.

Our research found that, generally, the experiences of workers who were shielding was in line with that of other disabled workers. However, there were differences in the following areas. Shielding workers were more likely to:

- have asked for and been given different/additional reasonable adjustments during the pandemic,
- have had a conversation with their employer about the additional risks they faced from Covid-19
- say their employer had taken all actions possible to reduce the additional risks they faced

Despite the fact that their employers were more likely to have taken necessary steps to reduce risks, shielding workers were also more likely to feel unsafe at work

**Table 9 –Differences in shielding workers’ experiences**



## Trade union membership

34 per cent of those who completed our survey were trade union members. This is in line with what we know of disabled members’ trade union membership.

A [statistical bulletin](#) released in May 2020 from BEIS on trade union membership found 27.4 per cent of disabled employees were members of a trade union in 2019. It also found disabled workers comprised 19 per cent of employees who were trade union members in 2019, a higher proportion than for UK employees overall (16 per cent).

Our research found that disabled workers who were trade union members were:

- more likely to tell their employer they were disabled than non-union members (92 per cent vs 83 per cent)
- more likely to say their employer had implemented some or all of their reasonable adjustments (54 per cent vs 42 per cent) before the pandemic and during the pandemic (29 per cent vs 22 per cent)