

Keep Britain Working: An independent review into the role of employers in health and disability

TUC response – 2025



Contents

Introduction	3
Social model of disability.....	4
Executive summary	5
Reasonable adjustments.....	11
Flexible working	14
Difficulties telling an employer about a disability, impairment or long-term health condition.....	16
Bully, harassment and discrimination	18
Statutory Sick Pay (SSP).....	22
Make Work Pay - Employment Rights Bill.....	23
Prevention: occupational health and safety	25
Occupational health and NHS services	26
Disability discrimination and artificial intelligence.....	28

Introduction

The TUC exists to make the working world a better place for everyone. We bring together more than 5.2 million working people who make up our 48 member unions. We believe all workers deserve respect, and the opportunity to make the most of their talents.

We have a long and proud history of promoting equality for all our members. We strive to end all forms of discrimination, bigotry and stereotyping. The TUC's commitment to equality is written into our constitution and into that of our member unions.

Unions play a vital role in ensuring that rights under the Equality Act are respected and upheld by way of collective bargaining, raising awareness of rights amongst employers and employees, assisting in resolution of disputes, providing support to members in pursuing claims to the employment tribunal, as well as adopting strategic litigation to clarify legal issues and establish norms to be followed in the workplace.

The TUC takes a social model approach to disability, recognising that disabled people have impairments and are disabled by the environment, inaccessible workplaces, stigma and attitudes.

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 which 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 people's attitude towards disability. Removing the barriers is the best way to include millions of disabled people in our society.

Executive summary

The TUC welcomes the opportunity to provide evidence to this review on what more the government and employers can do to tackle economic inactivity due to ill-health and disability, and support people who have ill-health or who are disabled in work. We believe everyone should be treated with respect and dignity at work, and receive good working conditions as well as pay. We also know that decent work allows more people to move into and stay in jobs, and must be central to efforts to improving disabled people's employment rates.

The TUC agrees that an approach grounded in prevention, retention, early intervention and rapid rehabilitation in the workplace has long been needed, and would provide an important new framework for change. But to be successful reforms will need to be ambitious, developed in social partnership with trade unions and disabled people's organisations, be properly funded and deliver a route to decisive and ongoing improvements in employment practice and workplace cultures.

There is a lot we can learn from international practice. As the review's discovery report recognises, countries that perform better for disabled workers are those where the balance of investment and incentives in their systems is weighted towards prevention, retention and rapid rehabilitation. While not advocating any specific country model, we know that the countries that are most successful in ensuring those who have ill health or who are disabled remain in the workplace are those with far more proactive employer support.

This review, along with the ambitions and commitments the government have set out with their plan to 'Make Work Pay', represents the first concrete steps in addressing the systemic barriers disabled people face getting into, staying and progressing in work for the last 14 years. It also makes good economic sense. By ensuring employers have these factors at the core of their business models, employment rates should rise and more people should progress at work.

Unfortunately, we know that current workplace practice is very far from the ambitions the review sets out. TUC research has consistently highlighted a persistent disability employment gap between the levels of employment of disabled people and non-disabled people, which currently sits at 27.6 percentage points. This employment gap exists alongside a disability pay gap of £2.35 per hour (17.2 per cent). These two gaps are combined with the additional cost of disability being £1,010¹ a month – which is the amount disabled workers would need to secure the same standard of living as non-disabled households.

¹ <https://www.scope.org.uk/campaigns/disability-price-tag>

Despite these financial disadvantages, spending by disabled people adds around £249 billion a year to the UK economy.² So addressing employment and pay gaps for disabled people will further increase the value added to the economy linked to spending by disabled people, an outcome both good for disabled people and employers. This is also a further reason why, as highlighted within this review, addressing economic inactivity linked to ill-health and reducing the barriers faced by disabled people must be an economic priority too.

We know that in part the pay and employment gaps disabled people experience are a result of discrimination in the educational system, where there is also a need for a comprehensive strategy to address these challenges. But in this response, we focus on measures that will ensure more employers support disabled people and those who have ill health into employment, and that where employees' health deteriorates while in work there is rapid intervention to ensure they remain in employment or have a swift return to work.

There is undoubtedly a lot to do to ensure disabled people enjoy equal employment levels, pay and job security and that the economy reaps the associated financial benefits. But there are some immediate actions we believe can be implemented rapidly to improve outcomes for disabled people at work.

Government support and enforcement of existing legal obligations would remove many of the barriers stopping disabled workers entering the jobs market. Taking action to improve enforcement of existing protections, along with rapid and full delivery of the Employment Rights Bill and wider plan to Make Work Pay (particularly provisions around flexible working, rights to guaranteed hours, day one sick pay and disability pay gap reporting), will improve economic inactivity levels – more disabled people will be able to move into work, stay there and progress. For example, more regular hours and better access to flexible working will make it easier for people to secure working patterns that fit around their impairments and/or health conditions.

Within England, Scotland and Wales there exists a strong legislative framework designed to ensure disabled people can reach their full employment potential. For example, the Disability Discrimination Act, introduced in 1995 and superseded by the Equality Act 2010, has meant employers have had a legal duty to put in place reasonable adjustments for their workers for 30 years.

Putting in place and keeping in place reasonable adjustments is, and continues to be, one of the best ways to ensure disabled workers can thrive in work. However, even though this duty has existed for three decades our research shows that many disabled workers are either not getting any of the adjustments they need, or find that it is taking too long for adjustments to be put in place.³ Our study highlighted that frequently workplace cultures are preventing disabled workers from even asking for their

² <https://wearepurple.org.uk/understanding-the-purple-pound-market/>

³ <https://www.tuc.org.uk/research-analysis/reports/disabled-workers-access-reasonable-adjustment>

adjustments. So more must be done to ensure employers comply with their existing legal obligations in this space, including legislating on a new duty on employers to notify workers of the outcome of their reasonable adjustments request, ideally within a two-week timeframe. Employers also need comprehensive guidance on complying with their existing legal obligations to provide reasonable adjustments.

Another existing approach that has been successful in aiding workers and removing barriers is Access to Work. But the programme has faced issues with shortfalls to funding, long waiting times and fundamentally with employers and workers often being unaware it exists. The TUC has highlighted both the need for the removal of the financial support cap and action to ensure the application and renewal processes are efficient, personalised, and flexible for disabled workers. Any changes to how Access to Work operates must also involve codesign with disabled people, their organisations and trade unions to be a success. It is, and remains, a positive government initiative that is already ensuring disabled people can get into and stay in work – and it could be easily expanded and further improved.

The review must also recognise that many long-term health conditions are *caused* by work itself. Research shows that being in insecure work can be significantly harmful for health and wellbeing, particularly for mental health, with higher risks of depression, anxiety, low life satisfaction and exhaustion. Persistent insecurity is particularly damaging to health, while there is also evidence that health impacts can persist even after specific drivers of insecurity (like threat of redundancy) are removed.⁴

To ensure all workers, in all workplaces, are protected from the risk of ill-health, in the first instance we need rigorous health and safety regulation and enforcement. To this end the Health and Safety Executive, and relevant local authority teams, must have funding reinstated to ensure they can act appropriately and provide a deterrent to bad employers risking workers' health.

Another important element is addressing workplace cultures. TUC research has found that around a third of disabled workers were uncomfortable talking about their health, including disability, impairment, or long-term health condition with their manager or supervisor.⁵ Our research has also found disabled workers are particularly exposed to bullying, harassment and discrimination, with four in ten disabled workers saying they had experienced these behaviours in the workplace. With these findings as a backdrop, it is not surprising that 16 percent of disabled workers surveyed told us the bullying, harassment and discrimination was so severe it forced them to leave their job or employer altogether.

These findings underpin the need for employer workplace cultures to be at the centre of strategies designed to improve disabled workers chances of thriving in work. It is also a key reason that employment tribunals should have the power to make wider

⁴ https://www.employment-studies.co.uk/system/files/resources/files/Commission%20for%20HWL%20job%20quality%20report_0.pdf

⁵ <https://www.tuc.org.uk/research-analysis/reports/disabled-workers-access-reasonable-adjustment>

recommendations for the benefit of the wider workforce, not just the individual claimant, in relation to discrimination claims reinstated as was the case before it was removed by the Deregulation Act 2015. This is also why the government's the new employers' duty (a further provision in the Employment Rights Bill) to prevent workplace harassment is imperative.

Workplace cultures that do support disabled workers are also underpinned by explicit and well considered policy operating within the legal framework that see the law as the minimum and go beyond it. Trade unions are best placed to outline what further best practice looks like and the reality of their impacts on the ground. Measures in the Employment Rights Bill which will improve trade union access to workplaces, and remove bureaucratic hurdles to securing trade union recognition will also allow more workers to benefit from collective organisation. The review should recognise the benefits that trade union organisation brings.

Examining the existing legislative framework highlights additional pinch points, where medium term change must be focused.

Through the Equality Act 2010, disabled workers' access to flexible working is stronger than the duty under flexible working legislation, however too often flexible working as a reasonable adjustment is not fully understood by employers. Research also shows that workers who have health conditions or are disabled, but do not have flexible working are four times more likely to leave employment.⁶ So to ensure the loss of talented disabled workers from the jobs market, the government must play a key role in making flexible working the default. One strong way to do this would be to introduce a duty on employers to consider which flexible working arrangements are available in a role and publish these in job advertisements. This would not only aid disabled people when considering which jobs are appropriate for them but also have a positive impact on other groups like parents and carers.

Statutory Sick Pay is another area where further action is needed. Evidence shows that improving access to sick pay would increase productivity, reduce prolonged illness due to exacerbating existing conditions and better public health outcomes, because people are not spreading illness by coming into work sick. While existing moves to ensure that all workers can access sick pay from day one are important, there is also an urgent need for a wider review of the statutory sick pay rate - which is extremely low by international standards. OECD analysis at the start of the pandemic showed the UK amongst the bottom when it comes to replacement rates for statutory sick pay.⁷

Pay gap reporting must also be enhanced to ensure that it is meaningful. Incoming requirements for employers to report on their disability employment and pay gaps are important, but should also be accompanied by action plans (enacted in line with our

⁶ <https://www.lancaster.ac.uk/work-foundation/publications/stemming-the-tide>

⁷ https://www.oecd.org/en/publications/2020/07/paid-sick-leave-to-protect-income-health-and-jobs-through-the-covid-19-crisis_4ff5fe3c.html

response to the recent government consultation in this area).⁸ This would ensure employers identify and address workplace barriers. Ensuring that how an employer will eliminate workplace barriers is considered and published within an action plan, and that plans are developed with trade union involvement, would have a significant impact on culture and workplace practices. However, without detailed instructions and guidance on how to produce an action plan and what they should contain, the incoming legislation risks missing its full potential.

In addition to these changes, disabled members tell us that what is often overlooked, but has a deleterious impact on the relationship between the worker and the employer, is when disability related leave is counted as sick leave. When these two types of leave are counted together disabled workers can be subject to intrusive, dehumanising and poorly considered HR processes. While often these processes are automated and can frequently be addressed by swift line manager action, they still impact on levels of trust between the employer and worker and, in some cases, still lead to disabled workers having to go through HR processes. This is why it is so important the government take measures to ensure these two types of leave are recorded separately.

Changes to employer practice are vital for the success of the government ambition to tackle economic inactivity due to ill-health and disability, and to support people who have ill-health or are disabled in work. However, this ambition will only be realised by further action to improve public services. TUC research from 2024 found that almost six in ten (59%) business leaders reported that staff had to take time off in the last year because of problems accessing public services.⁹

The impact of underinvestment in the NHS on the ability of many people to work cannot be understated. The government has rightly set a priority to tackle NHS funding and waiting lists and considerable progress has been made to date, but there are still persistent problems with recruitment, retention and workload which need to be addressed in collaboration with NHS trades unions.

Occupational health services also play a vital role in supporting working people who have health conditions to stay in, and return to, employment. This is a further area where public investment is urgently needed to expand provision, improve quality, and address the significant workforce shortages in occupational health itself.

Beyond this we need to think more ambitiously. Employers have a key role to play in creating inclusive workplaces that protect mental and physical health and support the retention and rehabilitation of employees, including disabled people and people who have health conditions, and the government has a responsibility to encourage, champion and support effective practices. This should include considering government

⁸ <https://www.tuc.org.uk/research-analysis/reports/equality-race-and-disability-bill-mandatory-ethnicity-and-disability-pay>

⁹ [More than half of business leaders \(59%\) say they are losing staff time due to poor state of public services | TUC](#)

procurement requirements as well as identifying where public sector employment practice can lead the way.

Finally, this review and wider government wider reforms and efforts to get more disabled people into work should be viewed and considered as a whole. This includes the governments changes to social security as outlined within the 'Pathways to Work Green Paper.' We are concerned that as Pathways to Work package stands it will not support the government's ambitions to enable more disabled people to remain in work, or move from worklessness into employment, as we have set out in our submission to the Work and Pension committee's Inquiry – Getting Britain Working.¹⁰ The scale of the spending cuts that have been announced, and which mainly apply to benefits that can be claimed by those in and out of work, are not the solution to low employment rates. Decisions that affect millions of people's lives must be made with care - both to protect the wellbeing of those affected and to ensure that the higher labour market participation rates we need are secured.

This response focuses on issues and solutions identified by TUC evidence, and includes the voice of disabled workers who reflect their experiences.

¹⁰ <https://www.tuc.org.uk/research-analysis/reports/tuc-submission-work-and-pensions-committee-inquiry-getting-britain>

Reasonable adjustments

Getting and keeping in place reasonable adjustments continues to be a substantial issue for disabled workers. Failure by employers to put in place reasonable adjustments which remove the barriers disabled workers encounter in the workplace is not only in breach of employer duties under the Equality Act 2010 but also may lead to disabled workers' health conditions deteriorating, preventing them to remain or enter in employment.

Despite this being true the TUC's 2024 Equality Audit¹¹ found that over half (55 per cent) of trade union reps had supported members who were seeking to secure reasonable adjustments at work - making it the second most frequent equality issue encountered at work and highlighting it as a pervasive issue.

Our research into accessing reasonable adjustments found that six in 10 disabled workers (59 per cent) had *not* made a request for an adjustment.¹² 53 per cent of those who had not made a request said they did not need one, showing that 47 per cent of those who had not made a request could have benefited from one. This highlights the scale of unmet demand.

17 per cent who had not made a request said they had not done so because they felt uncomfortable, 16 per cent were not aware they could make a request for reasonable adjustments and 14 per cent did not put in a request because they did not think their employer would accept the request. This highlights both the persistent gap in securing reasonable adjustments as well as disabled workers' concerns and fears of requesting them.

Of those who had made a request only a third (36 per cent) had their employer agree to all of the requested reasonable adjustments with over four in 10 (44 per cent) reporting that their employers had agreed to implement some, but not all of the requested adjustments.

For over one in 10 (11 per cent) disabled workers, their employer did not agree to any of the requested adjustments and one in 20 (5 per cent) had not yet heard back from their employer on the outcome of their request.

So, this data also shows us that for many disabled workers who have made requests the response is either only to provide partial adjustments or none at all.

¹¹ https://www.tuc.org.uk/research-analysis/reports/tuc-equality-audit-2024?page=2#section_header

¹² <https://www.tuc.org.uk/research-analysis/reports/disabled-workers-access-reasonable-adjustment>

Once a request has been made the majority of disabled workers (82 per cent) wait from four months to over a year of their adjustments to be implemented.

Recommendations for employers

Reasonable adjustments: Employers should comply with their proactive duty to implement reasonable adjustments including working from home and flexible work patterns as soon as possible. They must also commit to responding to requests for reasonable adjustments within two weeks.

One way of doing this would be by adopting the TUC's Reasonable Adjustments Disability Passport which, in addition to putting in place a system for implementing 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.¹³

Recommendations for government

There is also more government could do to improve workers' access to reasonable adjustments.

Notification of outcome of requests for reasonable adjustments: Require employers to notify employees on decisions regarding reasonable adjustment requests within a set time period, ideally within two weeks of an application.

Disability leave: The government should require employers to record impairment related leave taken by disabled workers separately from other sick leave. This would recognise that some disabled people may have different and higher forms of disability linked absence and stop disabled workers from being pulled into automated HR processes by triggering an employers' sick leave policy.

Access to Work: Remove the support cap and ensure application and renewal processes are efficient, personalised, and flexible. Entitled disabled jobseekers should get 'in principle' indicative awards. Access to Work should receive consistent funding increases and a full assessment of unmet needs. It should be reformed to provide quick and efficient access to the service with reduced waiting times.

The social model of disability: The government should 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.

¹³<https://www.tuc.org.uk/research-analysis/reports/reasonable-adjustments-disability-passports>

Additional funding for the EHRC: The government should ensure the EHRC has sufficient funding to discharge their legal duties including running inquiries, investigations and assessments where there is evidence of discrimination towards disabled workers and the provision of advice and guidance both to disabled people and employers on rights and duties. This focus on rights, duties and enforcement of the law are an important element in improving the employment rates and pay of disabled workers. It is also worth putting the EHRC budget cuts into perspective. In 2007, when the EHRC opened it had budget of £70m and a staff contingent of 525, this was based on its expanded remit with new policy areas including Human Rights, Age, LGBT+ and religion or belief. Now it has a budget of around £17.5m and around 200 staff which is roughly equivalent to the staff and budget of one of its legacy commissions (RRC, EOC and DRC). Its current staff and funding basis will not allow it to fulfil its full potential nor to deliver new responsibilities. Reverting to 2007 funding levels in real terms would require the EHRC's budget to be increased to £115m. The EHRC should also receive additional ring-fenced resources to conduct targeted enforcement of workers' right to reasonable adjustments.

EHRC guidance for employers on the use of positive action: The EHRC should work with employers to develop practical guidance to increase their understanding and confidence in using the positive action provisions permitted in the Equality Act 2010 to address the under-representation of disabled people.

The government should ensure employers are aware they 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. And that the law recognises that to secure equality for disabled people, work may need to be structured differently, support given, and barriers removed.

Flexible working

Flexible working, including the ability to work from home, can be an essential reasonable adjustment for disabled workers who can and want to work. This can help employees stay in work and support them to move into new roles.

A recent study by the Work Foundation¹⁴ found that employees with a health condition without any flexibility were four times more likely to leave work. Other research has demonstrated the importance of a combination of types of flexible working for disabled people, particularly those with fluctuating and energy limiting conditions.¹⁵

TUC polling of disabled workers who worked from home during the pandemic found that 63 per cent said that home working had given them greater control of their working hours, such as the ability to take breaks when needed to manage their conditions/symptoms. 47 per cent had been able to change their work routines and 40 per cent said home working had reduced the fatigue and tiredness.¹⁶ Managing pain and being able to attend appointments without having to take leave are also a commonly cited benefit.

LFS data from Q4 2024 data shows similar access to home working between disabled and non-disabled workers with 17.9 per cent of disabled workers reporting mainly working from home compared to 18.5 per cent of non-disabled workers. Given there is potentially greater demand from disabled workers for home working because of the accessibility benefits, this may mean there is an unmet demand amongst disabled workers for home working.

However, it is important to note that due to variations in conditions, impairments and personal circumstances and preferences, home working will not be preferable or possible for all disabled people. Unions have reported to us many employers assume a preference for home working, without asking disabled staff. Therefore, neither government nor employers should assume disabled workers are able to work from home. Home working should be voluntary and not imposed, with workers having access to workplaces and reasonable adjustments being put in place in all working locations.

¹⁴ <https://www.lancaster.ac.uk/work-foundation/publications/stemming-the-tide>

¹⁵ <https://www.kcl.ac.uk/csmh/assets/2025/39-steps-flex-plus-working-disability-inclusion-report-2025.pdf>

¹⁶ <https://www.tuc.org.uk/research-analysis/reports/disabled-workers-access-flexible-working-reasonable-adjustment>

Recommendations for government

The TUC believes the government has a key role to play in making flexible working the default. We welcome the steps forward in the Employment Rights Bill, which will mean employers can only refuse a flexible working request if it is reasonable for them to do so. The Secretary of State will also be able to set out specific steps in regulations which an employer must take to comply with the requirement to consult before rejecting an application. These are important to expand access to flexible working and make the request process more transparent.

The TUC also support the introduction of a legal duty on employers to consider which flexible working arrangements are available in a role and publish these in job advertisements, with new postholders having a day one right to take up the flexible working arrangements that have been advertised. If an employer does not think that any flexible working arrangements are possible, they should be required to set out that no form of flexible working is suitable in the job advert and why.

Difficulties telling an employer about a disability, impairment or long-term health condition

Employers should work with trade unions to review their workplace policies, and through a Social Model of Disability lens to ensure that they appropriately address issues faced by disabled workers' and those who have health issues. Employers should also ensure their culture is set to support these disabled workers, so these employees are able to tell their employer and supervisor they are disabled or have health issues without fear of negatives consequences. This is key to preventing disabled people leaving employment.

TUC research¹⁷ has found that over a third (34 per cent) of disabled workers were uncomfortable talking about their health, including disability, impairment, or long-term health condition with their manager or supervisor while just under three in 10 (29 per cent) were uncomfortable talking about these topics with their colleagues.

The same research found one in five (20 per cent) had not told their employer or supervisor about their disability, impairment, or long-term health condition. Almost six in 10 (56 per cent) did not tell their employer because they were worried about the repercussions and over a third (34 per cent) encountered issues bringing it up to their employer.

Key repercussions disabled workers worried about included over a third (34 per cent) being worried their employer would think they could not do their job, over a quarter (26 per cent) were worried they might lose their job, a quarter (25 per cent) were worried they would be treated unfairly and three in 20 (15 per cent) said worried their employer might tell their colleagues.

Key issues disabled workers highlighted included feeling that there was no point in telling their employer about their disability, as they would not be supported (24 per cent). One in five (20 per cent) had never been asked if they had a disability, health condition or impairment and just under one in five (19 per cent) did not know how to start a conversation on these issues.

Higher comfort levels indicate more accepting workplaces cultures which allow for discussion about disabled workers' needs, while low comfort levels indicate the opposite. And being able to discuss your disability with your manager and tell your employer is the first step needed in ensuring a disabled worker can access the

¹⁷ https://www.tuc.org.uk/research-analysis/reports/disabled-workers-access-reasonable-adjustment#footnote2_1uw6pcm

reasonable adjustments they require to remove barriers from the workplace and ensure they are able to do their jobs.

Recommendations for employers

Employers should work with trade unions to review their workplace policies to ensure that they appropriately address issues faced by disabled workers and those who have health issues.

Employers, who do not have a recognised trade union, should seek trade union recognition as staff are less likely to express job-related anxiety in unionised workplaces than comparable non-unionised workplaces. Collective bargaining is also linked to lower staff turnover, higher innovation, reduced staff anxiety relating to the management of change and a greater likelihood of high-performance working practices.

Employers should also make use of positive action provision. Where an employer has identified underrepresentation of disabled people, they should strongly consider using positive action as a way of addressing this, for example within training and/or recruitment. This would additionally signal to disabled workers the workplace is a safe place to discuss their disability.

Bullying, harassment and discrimination

TUC research into bullying harassment and discrimination of disabled workers has found that workplace cultures present major barriers in remaining in work. The findings on the levels of bullying, harassment and discrimination disabled workers experience, and the impact these experiences have, are stark.¹⁸

Beyond emotional and professional impacts, the experience leads to more structural disruptions in the workplace. Over a quarter of respondents said the bullying, harassment and discrimination they experiences made them want to leave their job but that they were unable to due to financial or other constraints (28 per cent). An equal proportion (28 per cent) avoided certain work situations – such as meetings, courses, or particular shifts – to avoid the perpetrator. One in five had to take time off work (20 per cent) or reported a negative impact on their physical health (20 per cent).

For some, the effects were more severe: 16 per cent left their job or employer altogether, and 9 per cent changed their role within the organisation as a result of their experiences.

Addressing workplace bullying, harassment and discrimination should be a central pillar of the government's approach to ensuring employers do not lose disabled workers' talent, retain disabled workers within the workplace and ensure disabled workers are able to return quickly to work after a period of illness.

Nearly four in ten (39 per cent) disabled workers reported bullying or harassment in the past year, while (45 per cent) said they had been subjected to disability-related mistreatment in their working lives.

The most commonly reported experience, cited by (15 per cent) of respondents, was being subjected to intrusive or offensive questioning about their disability that made them feel offended or humiliated. Similarly, (14 per cent) reported that they had been made to feel uncomfortable at work due to stereotypes or assumptions about their disability, while the same proportion (14 per cent) had experienced offensive jokes or "banter" about disabled people – an experience that contributes to a hostile and exclusionary work environment.

Bullying emerged as a significant concern, with (12 per cent) of respondents indicating that they had experienced bullying due to their disability, and (10 per cent) witnessing verbal or physical abuse related to disability.

¹⁸ <https://www.tuc.org.uk/news/number-disabled-workers-facing-bullying-discrimination-and-harassment-shockingly-high-tuc>

Nine percent of respondents reported being deliberately left out of work-related meetings, conversations, or social events because of their disability, while a similar proportion (9 per cent) had heard ableist remarks made in their presence. Notably, 8 per cent had experienced direct verbal abuse, and 7 per cent had been the target of ableist remarks.

When asked disabled workers about the effects of their most recent experience of bullying or harassment related to disability, nearly all surveyed (97 per cent) reported experiencing at least one negative impact.

The most commonly cited consequence was a negative impact on mental health, with (42 per cent) stating it made them feel more stressed, anxious, or depressed. A significant proportion also reported a decline in workplace confidence (38 per cent) and feelings of embarrassment (36 per cent). Additionally, (31 per cent) indicated that their performance at work was negatively affected.

Among disabled workers who reported bullying or harassment related to disability to their employer, experiences of how the complaint was handled were mixed, with fewer than half describing an appropriate investigative response.

Fewer than one in four said their complaint or grievance was taken seriously (24 per cent), dealt with fairly (24 per cent), or informally investigated (23 per cent). Just over one-quarter (27 per cent) felt their complaint was dealt with promptly, while only 26 per cent said it was formally investigated.

However, a significant minority reported a lack of action or credibility given to their report: nearly a quarter (23 per cent) said their complaint was ignored, and (16 per cent) felt it was not believed. Combined, a third (34 per cent) felt their complaint was either ignored or dismissed.

TUC research both into accessing reasonable adjustments and into bullying, discrimination and harassment make it clear that employers are unaware of their legal duties under the Equality Act 2010.

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. It means that in certain circumstances disabled people can be treated more favourably than non-disabled people to ensure equality, but one disabled person cannot be treated more favourably than another disabled person.

An employer who fails to meet their legal duty under the Act to make reasonable adjustments is in breach of the law and could be taken to an employment tribunal. The Equality Act 2010 is clear; a worker must not be discriminated against because they are disabled.

The Equality Act 2010 defines harassment as unwanted conduct, because of a protected characteristic, that violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It can never be justified.

Recommendations for employers.

To address these findings and ensure disabled workers are retained within the workplace and not forced out because of poor treatment employers should:

Make all workplace policies inclusive: Ensure all their policies, including those on harassment and sexual harassment, are inclusive of disabled workers, using appropriate language, examples and case studies. Policies should be negotiated with unions. All staff should receive training on these policies, including new staff in their induction and line managers, so that the whole workforce understands the policy and their role in ensuring the workplace is free from harassment and victimisation.

Adopt a zero-tolerance approach: Employers should take a zero-tolerance approach to all forms of discrimination and harassment (and sexual harassment). This should include workplace policies and training, including what bystanders should do to challenge harassment. Where such incidents do occur, there should be clear disciplinary procedures in place for the perpetrator and support for the victim.

Translate workplace policies into an inclusive culture: Take action to make sure that appropriate workplace policies translate into an inclusive culture. Provide training and information about disabled workers issues. Ensure that staff and managers can identify ableism when it occurs, see any issues through a social model of disability lens, and work with unions to design safe reporting systems.

Clear culture of inclusivity from the top: Make sure that senior staff are equipped to set a clear culture of inclusivity from the top, and quickly and effectively stamp out bullying, harassment and discrimination.

Review recruitment processes and data: Employers should analyse trends and introduce steps to support disabled staff to thrive, such as training for hiring managers, and providing information to candidates about the employers' commitment to inclusion, as well as monitoring internal data on who accesses training and promotion opportunities.

Training: HR and all levels of management should receive training on harassment, what constitutes harassment, stalking and online harassment, relevant law and workplace policies, and how to respond to complaints of harassment. In some workplaces, training for all staff may be appropriate.

Recommendations for government

Government action is also required to ensure that disabled people are able to stay in work.

Third party harassment: Ensure measures in the Employment Rights Bill to strengthen legislation to tackle third-party harassment are delivered in full. Employers currently have a duty of care for all workers; however, in relation to third party harassment it is not always clear to employers or workers what this means and what proactive measures need to be put in place to ensure workers are protected.

As part of its plan to Make Work Pay government must reintroduce section 40 of the Equality Act 2010 which places a duty on employers to protect workers from third-party harassment. Government should also extend the Worker Protection Act to include prevention of harassment by third parties. This would ensure clear and comprehensive legal protection on the grounds of harassment and sexual harassment.

Reinstating employment tribunals' power to make wider recommendations: The Equality Act 2010 gave employment tribunals the power to make wider recommendations for the benefit of the wider workforce, not just the individual claimant, in relation to discrimination claims. This power was removed by the Deregulation Act 2015. In workplaces where a culture of bullying, harassment and discrimination has been allowed to flourish or where there are systemic failures of the organisation to respond adequately to complaints of harassment, the power to make wider recommendations would be of great benefit.

Statutory Sick Pay (SSP)

Evidence shows that improving access to sick pay would increase productivity, reduce prolonged illness due to exacerbating existing conditions and improve public health outcomes, because people are not spreading illness by coming into work sick.¹⁹

The discovery report also acknowledges that the financial incentive for employers to invest in retention is weaker than recruiting a replacement in the UK. This is as the costs borne by employers for sickness absence are lower relative to some other European countries.

The UK has a much lower rate of Statutory Sick Pay (SSP) than other advanced economies – the income replacement level of £118.75 is around 20 percent of average earnings. Such low rates of SSP inevitably force workers into work when they are ill or recovering from illness, and this could cause longer-term health issues. The Covid-19 pandemic highlighted how insufficient the current level of sick pay is in the UK. The lack of decent, dependable sick pay was a barrier to self-isolation, with financial hardship a key factor in whether people self-isolated.

We welcome the government's decision to remove waiting days to receive SSP and removing the Lower Earnings Limit (LEL) which penalised low pay workers as they were ineligible for SSP.

The government has confirmed that workers earning below the LEL will be entitled to receive the minimum sick pay of 80 per cent of their normal wages or statutory sick pay, whichever is the lower.

Recommendations for government

While the improvements to SSP introduced as part of the plan to Make Work Pay are important, a medium-term plan to higher rates is needed.

There is an urgent need for a wider review of the statutory sick pay rate, which is extremely low by international standards, this review should report by the end of Parliament.

¹⁹ <https://www.ippr.org/media-office/revealed-hidden-annual-cost-of-employee-sickness-is-up-30-billion-since-2018>

Make Work Pay - Employment Rights Bill

The government's plan to Make Work Pay offers a vital opportunity to reshape the UK's approach to work, productivity, and inclusion. Central to this must be a commitment to disabled people as workers entitled to fair pay, secure employment, and dignity at work.

Proposals contain several important commitments that, if properly implemented, can begin to tackle the deep-rooted inequalities disabled workers face. TUC analysis shows disabled people are disproportionately affected by low pay, insecure work, bullying and harassment, and a lack of flexibility. The disability pay gap remains persistently high - averaging £3,700 a year.

To deliver real change, it is critical that the Make Work Pay and Employment Rights Bill commitments are fully realised, resourced, and designed with disabled workers in mind.

Flexible working is a cornerstone. For many disabled people it is a condition of access to employment. The government's commitment to day-one flexible working must come with cultural change, legal protections, and meaningful enforcement. The pledge to make flexible working the default further strengthens this and should be adopted.

Safer workplaces are also essential. Disabled workers face higher rates of bullying and harassment—especially those with intersecting identities. The government's proposals to strengthen legal obligations and require proactive action are critical steps forward and must translate into enforceable employer duties.

The Employment Rights Bill rightly emphasises how poor employer practice can worsen workers' health. TUC research has evidenced that poor working conditions lead to short and long-term health problems, as well as worsen existing ones. For example, a recent report into access to toilets and toilet breaks drew links to workers' experience of stress, dehydration and infections.²⁰

Research into work intensification also demonstrates the serious impact of working long hours over a long period of time: including an increased risk of cardiovascular disease, digestive problems, and long-term effects on the immune system.²¹ Similarly, a trade union report into the health effects of night work evidences higher levels of mental and physical health problems, and particularly a greater risk for women of

²⁰ <https://www.hazards.org/toiletsatwork/toiletrole.htm>

²¹ <https://www.tuc.org.uk/research-analysis/reports/health-and-safety-impacts-night-working>

developing depression, reproductive issues, and diseases such as hormone-dependent breast cancer.²²

Disabled workers are overrepresented in insecure jobs, with unpredictable hours that make it harder to manage health or access support. Commitments to tackle one-sided flexibility—backed by Labour’s pledge to ban zero-hours contracts and guarantee regular hours—will help shift this imbalance and support disabled people into decent work.

Delivering on the promise of disability pay and employment gap reporting, with robust action plans, and extending equal pay measures are essential steps toward genuine equality. This can also be underpinned by new statutory rights for trade union equality reps—crucial to embedding these changes in the workplace.

Without firm delivery on these commitments, there is a real risk that efforts to increase employment will repeat old mistakes—placing disabled people into work without fixing the conditions that push many out. *Securing these reforms is not peripheral—it is central to building the high-participation, high-productivity economy this review seeks to achieve.*

²² <https://www.tuc.org.uk/research-analysis/reports/health-and-safety-impacts-night-working>

Prevention: occupational health and safety

Prevention is at the top of what is known as the 'hierarchy of controls' in occupational safety and health (OSH). Eliminating risk factors altogether is the only sure way of preventing workers from developing work-related illness or injury. Where eliminating risk is not possible, mitigations ('control measures') must be used, and it is for this reason that thorough risk assessment processes are necessary, with frequent review.

Any employer with an interest in keeping workers healthy and safe will be undertaking preventative measures and putting in place the most effective controls to protect people from risk. This is not a recommendation, but a legal obligation. However, while few employers shirk this responsibility altogether, a great many more fail to adequately control and prevent risks to health – both mental and physical. This is why an effective, present and visible regulator is required: not only to offer guidance and advice, but to ensure the law is enforced and that action is taken against employers who do put lives at risk. Accredited trade union health and safety representatives are also an important part of the regulation of safe work. With the right to inspect, and attend safety committees, reps can play an active role in the risk management process, and support workers by raising concerns to management before they escalate.

To ensure all workers, in all workplaces, are prevented from risk to ill-health in the first instance, we need rigorous health and safety regulation and enforcement. The Health and Safety Executive, and relevant local authority teams, must have funding reinstated to ensure they can act appropriately and provide a deterrent to employers risking workers' health. We also need strong union representation: health and safety reps must have the right to access and inspect work sites where they have membership, not just recognition.

Recommendations to government

The Health and Safety Executive, Britain's primary OSH regulator, has sustained 54 per cent budget cuts since 2010. As a result, the number of inspections, inspectors and enforcement action has fallen. To ensure all workers, in all workplaces, are prevented from risk to ill-health in the first instance, funding must be reinstated and sustained.

It has been repeatedly demonstrated, by TUC and HSE studies, that workplaces with trade union representation tend to have fewer instances of work-related illness and injury, and workers are better informed of health and safety policies and procedures. For this reason, we want to see the scope of the Safety Reps and Safety Committees Regulations extended, and for accredited trade union health and safety representatives to have a 'roving rep' right: access to any workplaces where they have membership.

Occupational health and NHS services

Occupational health (OH) is an essential tool in supporting people, and Britain needs a major upscale to enable all workers access to professional, medical OH services. With timely access to high-quality OH advice, workers can receive adjustments, rehabilitation, and support tailored to their individual circumstances—reducing absence, preventing ill-health from worsening, and ensuring that employers meet their legal obligations. Yet too many workers, particularly in small firms and lower-paid sectors, have little or no access to any form of occupational health support. Even where OH is provided, often it is used mainly to manage absences and enforce disciplinary measures.

Universal access to occupational health must be a central part of government strategy to reduce economic inactivity and address health inequalities. Public investment is urgently needed to expand provision, improve quality, and address the significant workforce shortages in OH itself. The TUC believes that all workers should have a right to free, universal access to occupational health—just as they do to other key parts of our health system.

The Society for Occupational Medicine has proposed that an investment of £440m (£317m, England) would widen access and make OH a universal service, enabling an estimated 200,000 people to return to work.

It is important that OH services are used in a way that is aimed at supporting people to return to and stay in work; and with accredited, professional, medically informed service providers. Unions have long held concerns about how non-medicalised, outsourced OH services have rather been used by employers as a disciplinary tool in absence management processes, rather than in the spirit of understanding, and providing for, health in relation to occupation. This is also key to ensuring workers are trusting of, and better able to work with, OH service providers.

A previous 'OH for SMEs' Ministerial taskforce was due to report in July 2024 but has not continued into this Parliament.²³

The impact of underinvestment in the NHS by the previous government on the ability of many people to work cannot be understated. Tackling NHS funding and waiting lists have been set as a government priority, and we welcome additional investment and the considerable progress that has been made to date. However, there are still persistent problems with recruitment, retention and workload which need to be addressed in collaboration with NHS trades unions. The refreshed NHS workforce strategy is an

²³ <https://www.gov.uk/government/news/new-occupational-health-taskforce-to-tackle-in-work-sickness-and-drive-down-inactivity>

opportunity to do this and align health workforce plans with government's labour market objectives.

Recommendations to government

Fully-funding comprehensive rehabilitative services – encompassing mental health, physiotherapy, orthopaedic and occupational therapy – are fundamental step in supporting disabled workers and individuals with ill health to return to and stay in employment. This aligns with the government's ambition to shift services into community-based, preventative care, which, if adequately resourced, can significantly improve pathways to work. To ensure the most productive and efficient transition, and to develop effective policies that support people in and out of work, we recommend the government actively engage with unions representing NHS staff, who possess invaluable, practical expertise that can drive better policy- and decision-making.

Disability discrimination and artificial intelligence

Although efforts are being made to develop artificial intelligence (AI) technologies that can facilitate inclusive environments and provide support for disabled workers across different sectors, research has shown the extent to which AI disadvantages disabled workers. TUC Cymru commissioned a literature review on AI and equalities²⁴ and found particular issues with AI recruitment and hiring tools. For example, disabled candidates are often systematically excluded from AI-driven processes that rely on streamlined or limited forms of experience that do not account for diverse backgrounds and abilities.

Audits of CVs that include disability related information, such as blindness, deafness, cerebral palsy and autism, have shown that even with enhancing achievements, such as leadership awards and scholarships, such CVs are ranked lower by AI systems than other CVs that omit such information.

Research also shows that disabled workers are often disadvantaged by the ableist attitudes within the design of assessment or profiling tools used in recruitment. Such inequalities are particularly stark in speech and facial recognition tools, that are unable to account for different characteristics that may be more common in disabled people. They are also evident in the growing use of AI-driven personality tests that tend to disproportionately screen out disabled people, especially autistic people and those with mental health conditions.

An additional issue is that disabled people have a lower employment rate and are therefore less likely to be represented in data on past successful employees. They are therefore potentially less likely to be predicted as candidates most likely to 'succeed' in the workplace.

The use of these tools may therefore mean disabled people are less likely to progress through recruitment phases. The research also found examples of disability discrimination in AI management tools and generative AI.

Recommendations for government

The TUC is calling for action to ensure people are protected from the risks and harms of AI-powered decision making in the workplace, outlined in our model AI and Employment Rights Bill²⁵. The Bill includes mandatory workplace AI risk assessments, to be conducted by the employer in consultation with workers, to assess and mitigate the

²⁴ <https://www.tuc.org.uk/blogs/ai-inequalities-disabilities>

²⁵ <https://www.tuc.org.uk/research-analysis/reports/artificial-intelligence-regulation-and-employment-rights-bill>

equalities impacts of high-risk AI systems. Given the equalities risks and unscientific standards of the technology, the TUC AI and Employment Rights Bill also proposes to prohibit entirely the use of emotion recognition technology in high-risk decision making that may be detrimental to a worker, employee or jobseeker.