

Wales
TUC
Cymru

Disability and 'hidden' impairments in the workplace

A Wales TUC Cymru survey report

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Foreword

by Terry Mills, Chair of the
Wales TUC Disability Forum.



Of the hundreds of thousands of disabled people living in Wales today, only a relatively small number are people with 'visible' impairments (such as wheelchair users and people with guide dogs). The majority of disabled people have 'hidden' impairments that are not immediately obvious to someone who doesn't know their circumstances.

Public awareness of disability issues is often influenced by stereotypes in the media and understanding of who is legally defined as disabled remains limited. The belief that 'real' disability can be seen is persistent and often leads to an assumption that anyone who is not visibly impaired is 'not really disabled'. This can create difficulties for disabled people in the workplace, where such attitudes can be used as an excuse for refusing to provide 'reasonable adjustments' and can lead to disbelief, a lack of support and even hostility from others.

Through our disability forum, concerns were raised about these and other issues facing those with 'invisible' impairments and other disabled workers. It was felt that there is still much work that needs to be done in terms of raising public awareness, reducing

stigma and tackling disability discrimination more robustly in the workplace.

After hearing the accounts of the barriers that continue to be faced by many disabled workers, the Wales TUC Equalities Committee put forward a motion to Wales TUC Congress calling for research to be undertaken to investigate the experiences of disabled workers in Wales. A survey was developed to capture the lived experiences of disabled workers. The research also investigated more general attitudes and perceptions about disability from all workers (including those without impairments).

Over 1000 people responded to the survey, and this report presents the findings of that research, and identifies some key recommendations for improving the situation. It should be a call to action for all those who care about advancing equality for all disabled people in Wales.

Section 1: Executive Summary

The Wales TUC carried out this research to better understand attitudes towards and experiences of disability in the workplace in Wales, including those of workers with 'hidden' or non-visible impairments. The research gathered statistical evidence as well as the stories of disabled workers to give voice to those experiences.

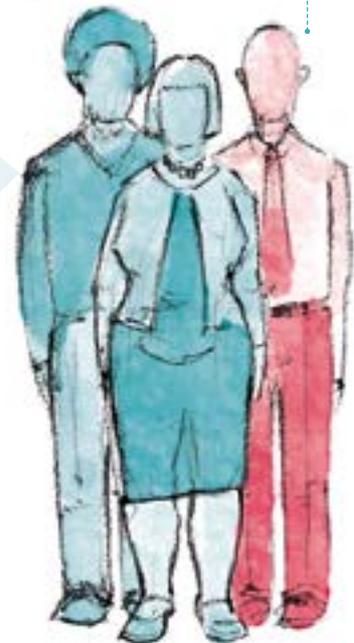
We used an online survey to reach as many people living or working in Wales as possible (including those who identified as disabled, those who did not, union members and non-members). We wanted to collect individual stories to understand the lived experience of disabled workers and also gain insight into the perceptions and attitudes of non-disabled workers towards disability in the workplace.

The research was carried out in the context of current evidence which shows that in the UK progress towards disability equality has stalled and disabled people are facing more barriers:

- With no improvement in the disability employment gap and a widening of the disability pay gap, disability equality is falling further behind in the workplace.
- Less than half of disabled adults are in employment and stigma and ignorance mean that those with impairments such as mental health problems, learning disabilities and autism spectrum conditions are even more likely to be out of work.
- UK government austerity and benefit reforms have had a significant negative impact on disabled people. Changes have been implemented in a way that has often failed to uphold disabled people's rights and has increased the risk of poverty, disadvantage and exclusion.
- Disabled people's lives are negatively affected by a combination of lack of awareness, stereotypes in the media, and wide-spread prejudice and unconscious bias which often goes unchallenged.
- Wales has a higher proportion of people living with a disability or long-term health condition than the UK as a whole and is therefore particularly impacted by the disadvantage faced by disabled people.

1 in 3

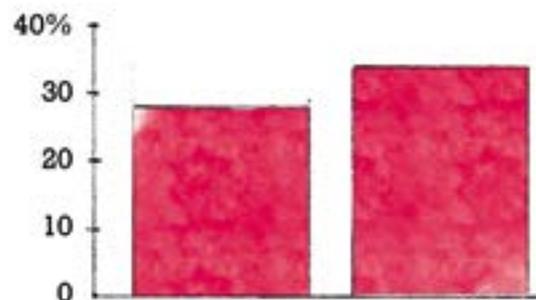
said disability had been treated as a 'joke' topic in their workplace, and many experienced harassment



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More than 1000 people responded to our survey and many shared their own personal experiences giving an insight into how disability is treated in a wide range of workplaces in Wales including the public, private and third sector. Key findings of the research are:

- Over a quarter (28 per cent) of disabled respondents said they felt that their employer views disability as a 'problem' in the workplace and 1 in 3 (33 per cent) said they felt their colleagues view disability as a 'problem' in the workplace.
- Over half (57 per cent) of disabled respondents said that they do not feel that people were treated equally in their workplace compared to 38 per cent of non-disabled respondents.
- Over three-quarters of all respondents said that their workplace had policies in place to help disabled workers but a significant number reported that these did not work in practice due to poor, non-existent or inconsistent implementation.
- Around 1 in 4 of all respondents said that their workplace either did not have or that they were not aware of there being any policies in place to help disabled workers.
- Around 1 in 3 (32 per cent) of disabled respondents reported that disability had been treated as a 'joke' topic in their workplace, and many reported experiencing harassment.
- Almost a quarter (24 per cent) of disabled respondents felt that disability was treated negatively in their workplace and 1 in 4 (25 per cent) said they did not feel comfortable talking about disability in work at all.
- 1 in 3 (33 per cent) of disabled workers reported



Do you feel like your employer views disability as a problem in the workplace?

Do you feel like your colleagues view disability as a problem in the workplace?

1 in 4 felt their employer views disability as a 'problem'

1 in 3 felt their colleagues view disability as a 'problem'

Around three quarters (74 per cent) of all respondents reported that their workplace had put in place ‘reasonable adjustments’ to help disabled workers, however many disabled respondents reported problems, delays and inconsistencies with the implementation of reasonable adjustments.

that disability had been an ‘awkward topic’ in their workplace.

- Around three quarters (74 per cent) of all respondents reported that their workplace had put in place ‘reasonable adjustments’ to help disabled workers, however many disabled respondents reported problems, delays and inconsistencies with the implementation of reasonable adjustments.
- Two thirds (67 per cent) of disabled respondents said they felt there was more stigma associated with disabilities that others cannot see.

We asked respondents for their suggestions for resources and support that could help to improve disability equality in the workplace. The need for further trade union action to be taken on the issue was supported by respondents and the findings of this survey:

- Almost 9 out of 10 disabled respondents said that they would welcome guidance in the form of a model workplace policy on invisible/hidden disabilities. A similar number also said they would welcome training for union reps on this topic.
- Respondents provided a number of additional suggestions of action and resources that would be helpful to raise awareness of invisible disabilities and improve disability equality in the workplace. These included disability equality training based on the social model of disability, workplace awareness raising campaigns, better implementation of policies and improved monitoring of disability equality in the workplace.
- The findings of this research have identified a need for wider action and changes to improve the situation for workers with invisible impairments in Wales.

Q. Do you feel there is more stigma with disabilities that others can't see?



2/3

felt there was more stigma associated with disabilities that others cannot see

Recommendations

As a result of the findings, the Wales TUC makes the following recommendations for improving the situation:

Recommendations for employers

- Clear and properly implemented policies that support disability equality
- Collect data about disability in the workplace to monitor disability equality
- Awareness raising campaigns
- Mandatory disability equality training for all managers and staff
- Action to eliminate discrimination and harassment of disabled workers
- Improve access to support for disabled people within the workplace, including peer support groups and mentoring schemes
- Offer paid disability leave, carers' leave and flexible working practices (such as adjustments to hours and home working)
- Decent jobs – permanent, secure contracts with decent hours and pay

Action plan for the Wales TUC and unions

- Development of a toolkit and eNote for union reps
- Training for union reps and officers
- Workplace campaigns
- Negotiate workplace policies and press for effective implementation
- Press for proper monitoring of disability equality by employers
- 'Nothing about us without us' – encourage greater involvement of disabled workers within unions

The findings have also identified a number of actions that should be taken by Welsh Government and the UK government to improve the situation for disabled people in Wales. These have been put together separately in a list of campaign asks which are available here www.tuc.org.uk/DHIWcampaignasks

Section 2: Disability equality in the workplace: the context

The legal protections put in place by the Disability Discrimination Act (1995) and later the Equality Act (2010) were important milestones in the fight for disability equality. Yet the reality in 2018 is that disability equality is still a very long way from being the lived experience in many workplaces in Britain.

As the nation with the highest proportion of the UK population reporting a limiting long-term health condition or disability, ongoing disability inequality in the workplace is having a significant impact in Wales. Around 1 in 4 people in Wales report having a disability or limiting long-term health condition, compared to around 1 in 5 in the rest of the UK.¹ It should be noted that these statistics may be an underestimate as many people with impairments do not realise that their impairment could meet the legal definition of a disability.

Around 1 in 4 people in Wales report having a disability or limiting long-term health condition, compared to around 1 in 5 in the rest of the UK The Equality and Human Rights Commission's report, *Being disabled in Britain 2016: A journey less equal* found that "while progress has been made in some areas, the overall picture emerging from the data is that disabled people are facing more barriers and

falling further behind." The report found that in Britain, "less than half of disabled adults were in employment (47.6 per cent), compared with almost 80 per cent of the non-disabled adult population, and that the gap between these groups had widened since 2010/11".² The report also showed that the disability pay gap in Britain continues to widen. Disabled people earn on average £9.85 per hour compared to £11.41 for non-disabled people.³ Disabled women and disabled young people have the lowest median hourly earnings. Very low numbers of disabled people are taking up apprenticeships and disabled 16 – 18 year olds are twice as likely not be in education, employment or training.

Despite the protections in the Equality Act, we know that many disabled people who are in work continue to face barriers, discrimination and harassment. The TUC's most recent *Equality Audit (2016)* found that issues related to disability had been the stand-out equality area tackled by reps in the workplace over the last couple of years. It found that:

"More than half of all reps in the survey had dealt with issues around disability, compared to 29 per cent for the next most common strand (gender). In addition, sickness absence and disability was the most common specific area tackled, cited by 65 per cent.

"However, issues affecting disabled workers were also the most likely area for reps to report a lack of available guidance, with 36 per cent of those tackling it saying that they had insufficient guidance to do so."⁴

Although many employers have policies on disability equality, a significant number of employers do not have any appropriate policies in place at all. A review of research carried out by academic research group Disability at Work reports that where policies do exist, these are often found to be 'empty shell' policies which are not implemented in practice.⁵ Research also indicates that UK Government schemes intended to improve levels of disability equality in the workplace such as the Two Ticks symbol (now replaced by the Disability Confident scheme) have so far been limited in their scope and effectiveness.⁶



The impact of UK government austerity

UK government austerity and changes to the benefit system have had a significant impact on disabled households. In 2017 the United Nations published a damning report which found that in implementing its austerity policies, the UK Government had failed to uphold the rights of disabled people, affecting everything from access to healthcare and housing to equality in education and work.⁷

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A Welsh Government commissioned report found that working age disabled households would lose substantially more income on average, than working age non-disabled households as a result of the UK Government's changes.⁸ The Welsh Government has estimated that changes in Employment Support Allowance will result in around 37,000 people in Wales receiving around £1,500 less each year, with low-income households likely to be the worst affected.⁹

A recent survey by the Disability Benefits Consortium showed that almost 80 per cent of disabled people receiving the other main disability benefit, the Personal Independence Payment (PIP), had seen their health worsen since its introduction by the UK Government. The survey found that over a third were struggling to pay food, rent or bills.¹⁰ A recent High Court ruling also found that the UK Government's changes to the disability benefit system 'blatantly discriminate' against people with

mental health conditions and was a breach of their human rights.¹¹

Changes to PIP have also resulted in many disabled people losing access to the Motability scheme. Disability Wales has reported that up to 100 disabled people are having Motability cars taken away each week.¹² With the lack of accessible public transport, many of these vehicles are disabled people's only means of getting to work. The caps imposed on the Access to Work fund grants (which helps to fund the cost of reasonable adjustments in the workplace) have also had negative consequences for groups of disabled workers, such as deaf workers who require sign language interpreters.¹³

The gig economy and work intensification

Although unions have continued to campaign for disability equality in the workplace, negative trends in the structure, organisation and management of work have created significant new barriers. The rise of the 'gig' economy and the growth of precarious employment (zero-hours and other casual contracts) means that it is much easier for bad employers to dismiss workers. This means that many disabled workers often feel too vulnerable to disclose that they have a condition that may need adjustments.

The growth of the culture of 'work intensification', often characterised by increased monitoring, unrealistic and rigid targets such as those found in many performance management and sickness absence policies has shifted the emphasis away from support and towards discipline, in a way that has caused particular difficulties for disabled workers.¹⁴

'Hidden' or 'invisible' impairments

According to research by Scope, nearly half (43 per cent) of the British public say that they do not know anyone who is disabled¹⁵, yet at the last census around 1 in 5 people in the UK and 1 in 4 in Wales reported having a disability or 'limiting' long-term health condition. This shows a disconnect between perception and reality – it is highly unlikely that nearly half the population do not know any disabled people. This disconnect reflects the fact that a large number of people do not recognise that many more people are disabled than those who can be identified by sight alone.

Many people, when they think of a disabled person, will still picture a wheelchair user or someone with a guide dog. But in reality, only a relatively small number of disabled people have 'visible' impairments. The vast majority of disabled people have 'hidden' impairments that are not immediately obvious to someone who doesn't know their circumstances. Unfortunately, the belief that 'real' disability can be seen often leads to the corresponding misconception that anyone who is not visibly impaired is "not really disabled".

Everywhere from car parks to public transport to the workplace, disabled people whose impairments are not visible to others report being challenged with the words "you don't look disabled" (for example, for using a disabled parking space or toilet). In the workplace, people with 'hidden' impairments report that such comments are often used to show disbelief or challenge their right to reasonable adjustments. Sometimes managers may use such comments as an excuse for refusing to offer support, or colleagues may imply that the person is somehow seeking to gain unfair advantage. It can be an

extremely stressful experience for workers with hidden impairments to have to manage their condition without adjustments or support and carry out their job in the face of hostility from managers and colleagues.

When workers with hidden impairments do disclose to their employer, they find this is often not a one-off process, and that they are expected to 'prove' they are disabled repeatedly, in what can sometimes be an extremely intrusive process, whenever new managers are involved. Such experiences can deter many people with 'hidden' impairments from disclosing their condition to their employer and seeking adjustments.

Due to lack of awareness, many disabled people may themselves be unaware that an impairment they have meets the legal definition of a disability and that they are therefore entitled to protection from discrimination and to reasonable adjustments. Often when people acquire impairments in later life, they have been exposed to stereotypes and stigma about disability and they may refuse to recognise themselves as a disabled person. Sometimes, the stigma associated with certain impairments such as mental health conditions, is a very powerful obstacle to disclosure as individuals may fear that they will lose their job and have great difficulty getting another.

When individuals are deterred from asserting their rights in this way, they may attempt to conceal the effects of their impairment in order to 'fit in'. In some cases, this can have very serious consequences for their health and their ability to maintain employment.

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Stereotypes about disabled people

The widespread stereotyping of disabled people has helped to create negative attitudes and barriers to disabled people's participation in society, including in the workplace. Some sections of the media have given increasingly distorted coverage to the issue of benefit fraud (often using individuals in receipt of disability benefit as the subjects). This is despite the fact that according to research by Scope, "disability benefits have the lowest levels of fraud" at less than 0.5 per cent.¹⁶

This type of distorted coverage has been prominent in some sections of the press and on television (with programmes such as the BBC's *Saints and Scroungers*). Often 'scroungers' are depicted as 'undeserving' claimants who are feigning disability in order to defraud 'decent hard-working tax payers' taking benefits away from the 'really disabled' (who are often depicted as helpless 'sufferers' in need of charity rather than support to live independently).

The UK Government encourages members of the public to report people they suspect of benefit fraud to the Department for Work and Pensions through the benefit fraud hotline and website. Many do so, despite the fact they may have little or no knowledge of the disabled person's circumstances or understanding of the fact that not all disabilities are visible. It is perhaps not surprising that a freedom of information request revealed that of a million alleged cases of benefit fraud put forward by the public between 2010-2015, 85 per cent were completely unsubstantiated.¹⁷ This has resulted in many thousands of disabled people being put through unnecessary and stressful benefit fraud investigations.

In the workplace, the effect of this type of stereotyping can be seen when people assume that a disabled person who is for example, on disability-related sick leave is, 'swinging the lead', 'putting it on' or using a condition as 'an excuse' (even when they know nothing or very little about the person's circumstances). Such accusations are more likely to be made towards anyone who is disabled but does not show visible evidence of it. These attitudes can leave disabled people exposed to the risk of hostility, harassment and discrimination.

There is also an unhelpful trend to characterise disabled people's lives as polarised extremes where there is either a 'superhuman' and heroic 'triumph over the odds' by an individual (e.g. as in much coverage of Paralympian athletes) or at the other extreme, as a 'tragedy'. Often the disabled person is then portrayed as a helpless 'sufferer' to be treated as an object of pity or charity. Such extreme stereotypes are damaging and unhelpful because they can lead others to make assumptions that a disabled person will not be capable of having a job or living independently, or to assume that it is up to a disabled person to single-handedly overcome the barriers they face by supreme effort, without consideration or adjustments from others.

These stereotypes distract focus from the reality of most disabled people's lives and from society's responsibility to address the real barriers that many disabled people face when trying to live their everyday lives with the right to the same independence, equality of opportunity and quality of life as others enjoy.

Research has shown that unconscious bias against disabled people is higher than for other protected characteristics

Unconscious bias towards disabled people

Unconscious bias can arise from prejudices that people do not realise they hold but which can heavily influence thinking and lead to snap judgements and assumptions about others. It is a process that happens outside of a person's control and without their awareness.

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Everyone has unconscious bias as to process information more quickly and effectively, the brain (influenced by culture, media and life experience) continually builds up thought patterns, interpretations and assumptions without us realising. In some circumstances, these thought processes or 'biases' can be useful as they can help people react quickly to new situations and cut through 'information overload'. However, they can also lead people to get things wrong, by developing unhelpful stereotypes or making snap decisions which are unfair or discriminatory against others.

Unconscious bias can heavily influence areas of work such as recruitment, promotion, performance appraisals, pay and workload allocation. Employers have a duty to take steps to mitigate the effects of unconscious bias because where the unconscious bias is directed towards a protected characteristic (such as disability), it can be discriminatory (even if it is not conscious or deliberate).

Research has shown that unconscious bias against disabled people is higher than for other protected characteristics (for example, compared to race or gender).¹⁸ An example of the way that bias affects perceptions of disabled people is demonstrated in research by Scope which found that 36 per cent of the public tend to think of disabled people as 'not as productive' as everyone else and that a quarter of disabled people have "experienced attitudes or behaviours where other people expected less of them because of their disability".¹⁹

Section 3:

The legal and policy context

The medical model of disability

The medical model is a way of thinking about disability that has deep roots in our culture and has dominated much political and legal decision making as well as media coverage about disability. Although it is based on outdated concepts, it still affects the way people understand disability today. Many people are influenced by the 'medical model' without realising.

The medical model says that disability arises from

an individual's medical condition and the way that it affects their ability to carry out certain tasks. Therefore, the way to resolve a person's disability is for medical professionals to treat or 'cure' their condition and in that way, bring about equal access compared with a non-disabled person. It implies that it is the person's impairment that is the cause of their disadvantage or exclusion and that the lack of access or disadvantage is a problem for the individual disabled person to resolve, rather than being the responsibility of wider society. The trade union movement rejects the medical model of disability.

The social model of disability

The social model takes a completely different approach: it is not the disabled person's medical condition or impairment that is the cause of their disability but it is the barriers that society puts up in the way of disabled people's participation (including both attitudes and practical barriers) which are the cause of their disadvantage and exclusion. The social model aims to identify and remove the barriers that prevent disabled people accessing work, services and living independently.

The social model makes a distinction between impairment and disability. Impairment is described as "a characteristic or long-term trait, which may, or may not, result from an injury, disease or condition". Disability is not the impairment itself but is the difficulty experienced by people with an impairment when the barriers put up by society interact with their impairment to deny them access or participation. Under the social model it is not the responsibility of the disabled person to solve the barriers and the potential problems they face

- the duty is transferred on to society to remove barriers and provide access.

The Welsh Government formally adopted the social model of disability in 2002. This means it has made a commitment that the social model must be reflected in the policies and services it delivers and the language it uses. The social model has also been adopted by the United Nations and is the basis of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which was ratified by the UK Government in 2009. The convention is now being cited in UK courts although it should be noted that the Equality Act 2010 still defines disability using the 'medical model'.

The trade union movement supports the social model of disability. The TUC has called for the Equality Act 2010 and all UK laws impacting on disabled people to be reviewed to make them compliant with the UNCRPD.

Disability is not the impairment itself but is the difficulty experienced by people with an impairment when the barriers put up by society interact with their impairment to deny them access or participation.

The Equality Act (2010)

Under the Equality Act 2010, a person is considered to have a disability if they have a physical or mental 'impairment' and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

An 'impairment' does not have to be visible. The Equality Act's definition of disability includes 'invisible' impairments. Some of the invisible impairments that people have that make it difficult for them to carry out ordinary day to day activities without adjustments include:

- Mental health problems such as depression, schizophrenia, bipolar affective disorder, obsessive compulsive disorders and personality disorders;
- Conditions such as dyslexia, dyspraxia, autism spectrum conditions (including Asperger's syndrome) and epilepsy;
- Progressive conditions such as rheumatoid arthritis or motor neurone disease;
- Chronic conditions such as diabetes and asthma;
- People with cancer, multiple sclerosis or HIV are protected from the time of diagnosis.

These are just some of the conditions that are normally invisible but that usually count as disability under the law. There are many others.

An 'impairment' does not have to be visible. The Equality Act's definition of disability includes 'invisible' impairments.

It does not matter if a person's impairment or condition is alleviated by treatment (such as anti-depressants) or physical adaptations (such as an artificial leg) – they are still considered disabled as the legal 'test' is based upon removing the adaptation.

The Equality Act states that a disabled worker is

entitled to '**reasonable adjustments**' where they would be at a substantial disadvantage compared to a non-disabled colleague. The requirement covers "provisions, criteria and practices", "physical features" and the "provision of auxiliary aids". Guidance as to what is considered 'reasonable' is provided by the EHRC Code of Practice.

The key principle to note is that under the Equality Act, disabled workers are entitled to be treated **more favourably** in order to arrive at a more equal outcome. But this principle is often poorly understood, which can lead to bad practice based on the misconception that equality is about treating everyone the same.

A 'disabled person' is also protected from **discrimination** the grounds of their disability (a 'protected characteristic' under the Act). The Act sets out 6 forms of disability discrimination which are prohibited:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation
- Discrimination arising from a disability
- Failure to make a reasonable adjustment

More information about the Equality Act and 'invisible' impairments can be found in the Wales TUC's toolkit for trade unionists here www.tuc.org.uk/DHIWtoolkit

The Public Sector Equality Duty (Wales)

The Public Sector Equality Duty was created by the Equality Act. The duties are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 which were brought in by the Welsh Government and came into force in April 2011.

The Act aims to ensure public authorities and those carrying out a public function consider how they can positively contribute to a fairer society in their day-to-day activities through paying due regard to eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations between those with a 'protected characteristic' (such as disability) and those who do not share the same protected characteristic.

Public bodies such as NHS Wales, local government and other bodies carrying out public functions are under a duty to consider equality when making decisions both in terms of service delivery and employment. The Regulations place duties on the devolved public sector, including Welsh Government, covering equality impact assessments, publishing and reviewing Strategic Equality Plans, organisational objectives, engagement, staff training, procurement, reporting arrangements and equality and employment information.

Public bodies must collect and publish data about their workforce on an annual basis. This includes information about disabled workers in terms of how many disabled people:

- are employed
- have applied for jobs within the organisation
- have applied to change position (identifying how many were successful)
- have applied for, been successful in applying for and/or have completed training
- have been involved in grievance or disciplinary procedures
- have left the organisation

Public bodies do not currently have an explicit duty to collect or publish a breakdown of the different jobs, pay, grading, contract types or working patterns held by disabled workers compared to non-disabled workers or to report on the disability

pay gap within their organisations. They are only currently required to collect and publish this information about men and women.

The Social Services and Well-being (Wales) Act 2014

The Social Services and Well-being (Wales) Act came into force in Wales in April 2016.

The Welsh Government describes it as a "new law for improving the well-being of people who need care and support, and carers who need support for those who they care for". The Act changes the way that people access social services support.

In terms of the Act, "well-being" in relation to an adult, means well-being in relation to any of the following: physical and mental health and emotional well-being; protection from abuse and neglect; education, training and recreation; domestic, family and personal relationships; contribution made to society; securing rights and entitlements; social and economic well-being; suitability of living accommodation; control over day to day life and participation in work.

Under the Act, changes have been made to the way that people's needs are assessed and the way that services are delivered, giving people more of a say in the care and support they receive. There is an emphasis on promoting a range of services and help within the community to reduce the need for formal, planned support and instead working with individuals to discuss what they want from their lives and look at what help they may need to achieve this.

Local authorities can provide more information and assessments for anyone who feels they may need support, for those already receiving support and to carers.

Under the Equality Act, disabled workers are entitled to be treated **more favourably** in order to arrive at a more equal outcome. But this principle is often poorly understood, which can lead to bad practice



Section 4: Methodology: survey design

The survey was carried out using the online survey website, SurveyMonkey between December 2016 and August 2017. An online survey was used to try to reach as many people as possible through electronic distribution.

The main aim of the survey was to explore attitudes towards and experiences of disability in the workplace, and specifically issues linked to 'hidden' impairments. However, because the aim was to obtain a wide range of perspectives the survey was given a broader title of 'Wales TUC workplace diversity survey' so that respondents without impairments, or those who do not recognise themselves as disabled would not exclude themselves from taking part.

An email with a link to the survey was sent to Wales TUC contacts and networks (approximately 4500 email addresses). Primarily this distribution list was made up of union officers, workplace reps and activists from the TUC's 49 member unions but it also included other organisations with an interest in equality issues. These contacts were encouraged to circulate the survey widely within their workplaces and share via their email and social media networks. Because of the nature of electronic distribution, it is not possible to determine the precise number of people who received the invitation to take part in the survey.

The survey took the form of a simple questionnaire which consisted of four pages and nineteen closed-ended questions and three open-ended questions. Four of the closed-ended questions also provided an opportunity for respondents to expand on their answers or offer further information or suggestions for action. Respondents were self-selecting and participation was voluntary. Respondents were not obliged to complete every question; therefore, a completeness check was not applicable. A copy of the original survey is available from the Wales TUC.

The invitation to take part in the survey was sent out with an explanatory note stating that the survey aimed to investigate diversity and equality issues in the workplace (again for the reasons outlined above, disability was not mentioned specifically to prevent respondents from excluding themselves from the survey). The survey was aimed at all those living or working in Wales, both union members and non-members. Respondents were assured of anonymity but had the option to provide contact information if they wished to receive further information from the Wales TUC. The survey was available to complete online in Welsh and English and was made available in alternative accessible formats on request.

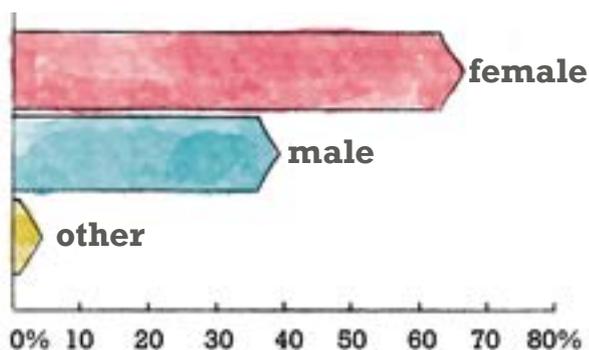
Survey respondents

There was a total of 1,021 respondents. Respondents were asked to provide information about themselves as follows:

Gender

Around 63 per cent of respondents identified as female, just over 36 per cent identified as male and less than 1 per cent identified their gender as other. This higher proportion of female respondents relative to the general population may reflect the fact that there was a better take up of the survey from within public sector workplaces, which have a higher proportion of female workers.

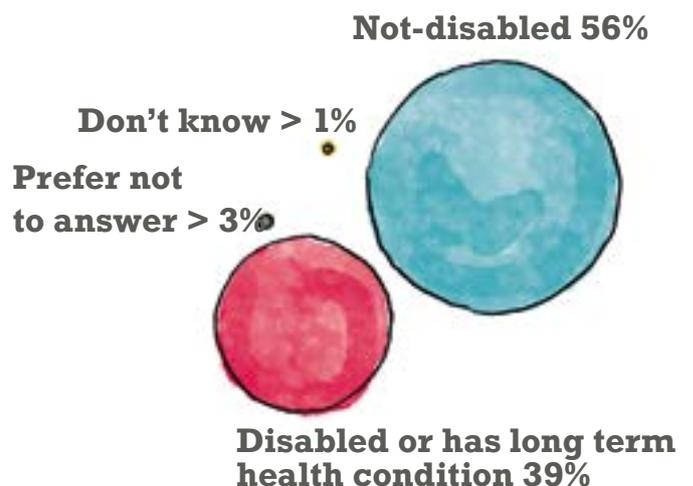
Q. Are you:



Disability or long-term health condition

Just over 39 per cent of respondents said that they considered themselves to have a disability or long-term health condition that affected their day-to-day life and 56 per cent said that they did not. Just over 1 per cent of respondents said that they didn't know whether or not they had a disability and just over 3 per cent stated that they would prefer not to say. At nearly 40 per cent, disabled people were well represented as a group within the survey respondents, relative to the general population.

Q. Do you consider yourself to have a disability or long term health condition which affects your day to day life?



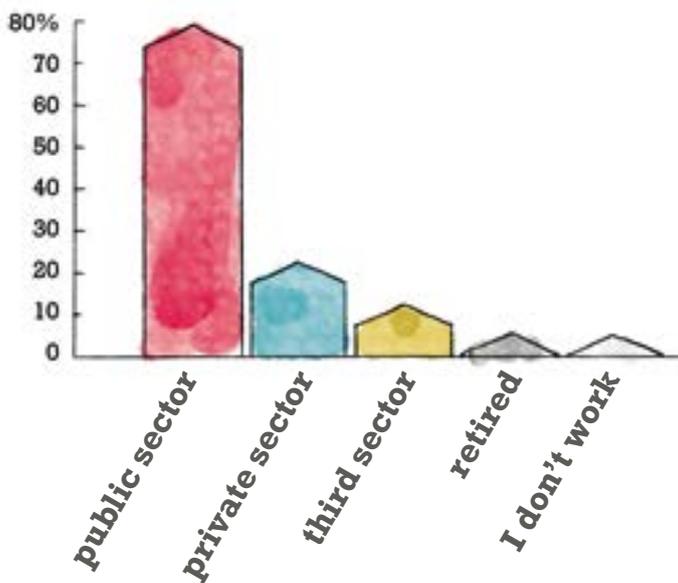
Trade union membership

Around 78 per cent of respondents reported that they were members of a trade union and 22 per cent said they were not trade union members.

Workplace

Nearly three quarters of respondents reported working in the public sector (74 per cent) and just under 18 per cent were in the private sector. Almost 8 per cent said they worked in the third sector and less than 1 per cent said they were retired (0.5 per cent) or did not work (0.2 per cent).

Q. What sector do you work in?



Living or working in Wales and Welsh language users

Just over 99 per cent of respondents reported that they lived or worked in Wales and less than 1 per cent said they did not either live or work in Wales.

Just under 98 per cent of all respondents completed the survey in English and just over 2 per cent completed it in Welsh.

(N.B. around 11 per cent of survey respondents did not complete the above section of the survey. The percentages given above exclude those who did not complete this section).

Section 5: Survey findings

Negative attitudes towards and perceptions of disability in the workplace

“There seems to be a perception among some managers that disabled people are less capable of doing a good job. This is often out of a subconscious and misplaced sense of care and concern, which influences whether they see disabled people as equally capable.”

Negative attitudes and assumptions

The survey showed a large gap in terms of perception or awareness about how disability is treated within the workplace between disabled and non-disabled respondents.

Almost 1 in 4 of disabled respondents (24 per cent) said that they felt that disability was treated negatively in their workplace. In contrast, just 1 in 20 of non-disabled respondents (6 per cent) said they felt that disability was treated negatively in their workplace.

Respondents described negative and often discriminatory attitudes and behaviour towards disabled people. This included assumptions about disabled workers’ capabilities, harassment such as insulting or inappropriate questions and comments and excluding or isolating disabled workers due to their disability:

“People wrongly assume that a person with a disability is not on par with a person without disability. We expect them to put up with how we do things rather than look at us and how we can change our way.”

“Diversity is seen as an inability to do something rather than an ability to do something in a different way. This organisation values text far more than any other form of communication.”

“I have witnessed colleagues with disabilities being treated unfairly. One colleague was not allowed to

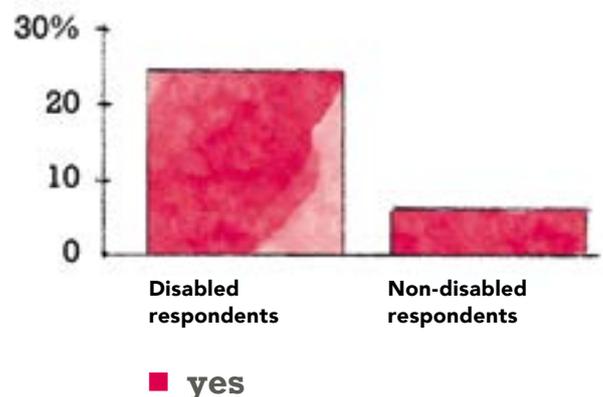
1 in 4

disabled respondents said disability was treated negatively compared to just

1 in 20

non-disabled respondents

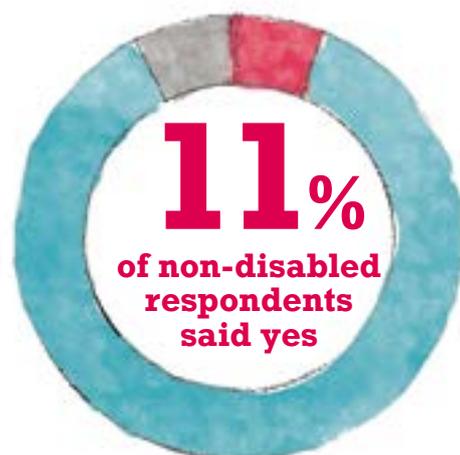
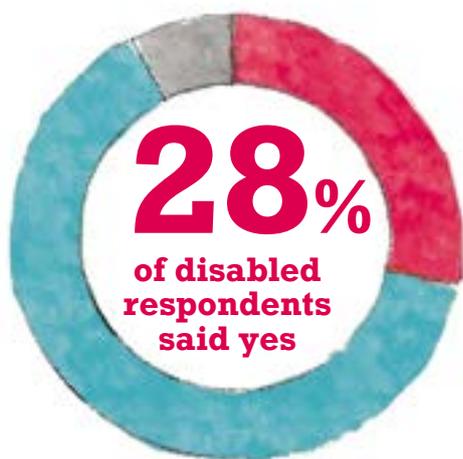
Q. Is disability treated negatively in your workplace?



sit within the team as the sound of his breathing was 'too loud'. He sits in isolation now.”

“Negative comments such as: ‘Had I known you had a stroke, I would not have taken you on’ was said, ‘You should not have symptoms 10 years on’, ‘I sometimes don’t know what you are saying - just rubbish.’ None of these are appropriate but have been said to me.”

Q. Do you feel like your employer views disability as a problem in the workplace?



- yes
- no
- don't know

Employers viewing disability as a 'problem'

A total of 28 per cent of disabled respondents said that they felt that their employer views disability as a 'problem' in the workplace. Only around 1 in 10 (11 per cent) of non-disabled respondents noted similar concerns, showing again that there is a wide gap in perception or awareness between those with direct experience of disability and those without direct experience.

Respondents gave examples of ways in which employers and managers view disability as a 'problem',

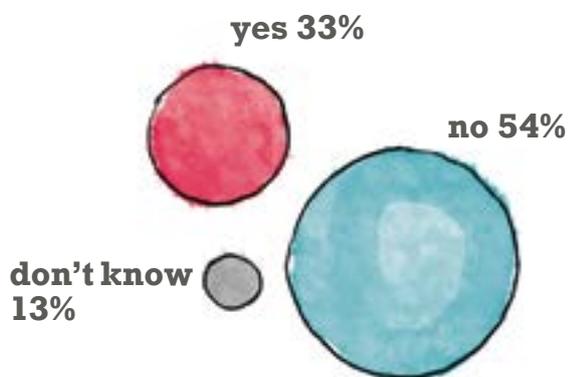
"Some managers still see them [disabled people] as a 'problem' rather than as an asset."

Often employers and managers view of disability as a 'problem' was linked to an organisational culture of intolerance towards disability-related sickness absence:

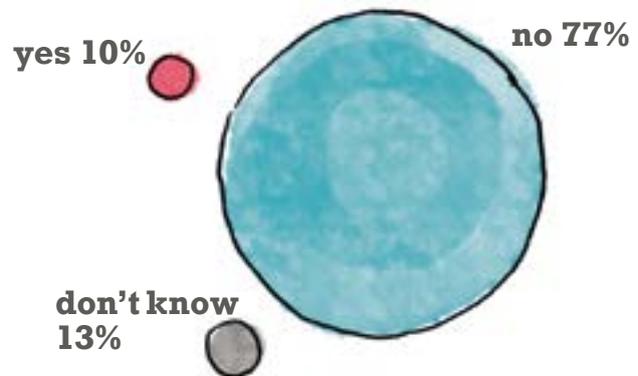
"Management not happy if you don't give 24/7. Don't like anyone who might have an illness."

"Disabled colleagues aren't treated well. I don't believe the company values them enough to support any increased disability related absences."

Q. Do you feel like your colleagues view disability as a problem in the workplace?



33% of disabled respondents said yes



10% of non-disabled respondents said yes

Colleagues viewing disability as a 'problem'

Around a third of disabled respondents (33 per cent) said they felt that their colleagues view disability as a 'problem' in the workplace. Again, non-disabled respondents seemed far less likely to have observed or been aware of these attitudes, with only 1 in 10 (10 per cent) answering yes to this question.

Observations and experiences of respondents included:

"The attitudes of Senior Management and commitment to supporting those with disabilities cannot really be faulted. It is when you get to senior middle management and below that the problems start."

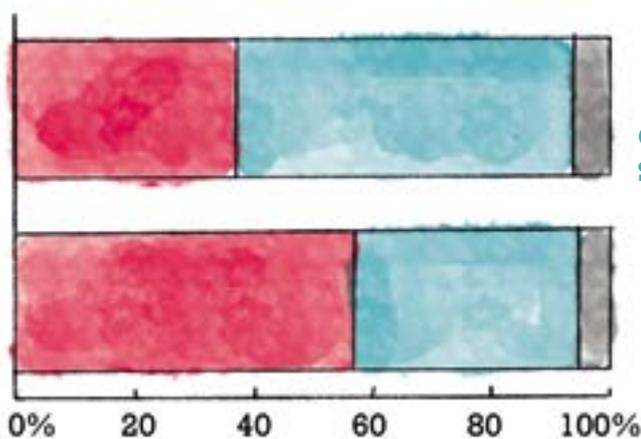
"Frequently other staff don't understand the

challenges some people face with disabilities. It makes me feel that greater awareness is required."

"I have received negative comments and behaviour from managers and colleagues due to my illness and my adjustments."

"I have been told by my line manager that there is an issue with colleagues assuming I am somehow getting special treatment, when any difference is simply due to my having an unseen disability. I am very open about the impact my disability has on my life, yet, as I look perfectly healthy, there is an assumption that I am perhaps exaggerating this impact."

Q. Do you feel that everyone gets treated equally in your workplace?



57%
of disabled respondents
said no

38%
of non-disabled
respondents said no

■ yes
■ no
■ don't know

General perceptions of equality

Over half of all disabled respondents (57 per cent) reported that they did not feel that everyone was treated equally in their workplace and 37 per cent reported that they felt people were treated equally.

These results were reversed for non-disabled respondents with 38 per cent stating that they did not feel everyone was treated equally in their workplace and over half (57 per cent) reporting that they felt people were treated equally. Again, the difference in responses between disabled and non-disabled respondents highlights a big perception and awareness gap.

Overall, non-disabled male respondents were far more likely to believe that people were treated equally in their workplace, with 62 per cent saying this was the case. In some cases, these respondents justified their response by stating that there was a lack of 'visible' evidence to the contrary (rather than citing positive evidence or examples demonstrating equal treatment).

In some of these comments, respondents seem to indicate a belief that signs of inequality would be 'visible' or obvious to them if they existed.

"No visual signs of any equality issues"

"No evidence to suggest otherwise"

"I see no indications to the contrary"

The variation in perceptions of equality in the workplace between these different groups of respondents could indicate a lack of awareness or experience of disability equality issues among some non-disabled respondents.

It should also be noted that variations in respondents' answers may reflect the ambiguity of the term 'treated equally' used within the question and therefore respondents' different interpretations of what it means for people to be treated equally. For example, those with less awareness of disability equality may not realise that disabled workers are entitled to be treated more favourably in order to arrive at a more equal outcome.

‘Hidden’ and ‘invisible’ impairments

“Some people still have quite set notions of what disability ‘looks’ like. I don’t think people always understand the challenges that come with invisible disabilities or that some disabilities can affect people extremely differently on some days rather than others. For example, people with ME, fibromyalgia etc. may have days where they are almost unaffected by their conditions, but people don’t see them on the days when they’re unable to even get out of bed so make assumptions that there’s “nothing wrong with them”.

Greater stigma

Over two-thirds (67 per cent) of disabled respondents said that they felt there is more stigma with disabilities that others can’t see. Fewer non-disabled respondents recognised that this was an issue but a significant number (40 per cent) did recognise that hidden impairments were often subject to more stigma.

A key issue identified was a basic lack of understanding among some managers that the legal definition of disability includes invisible impairments. Respondents frequently described a lack of belief and dismissive attitudes as contributing to a sense of stigma:

“I have had multiple managers who completely discount asthma as a disability or something that could affect my everyday life, dismissed my experience of living with it. I’ve had to fight for adjustments over how I am treated over it.”

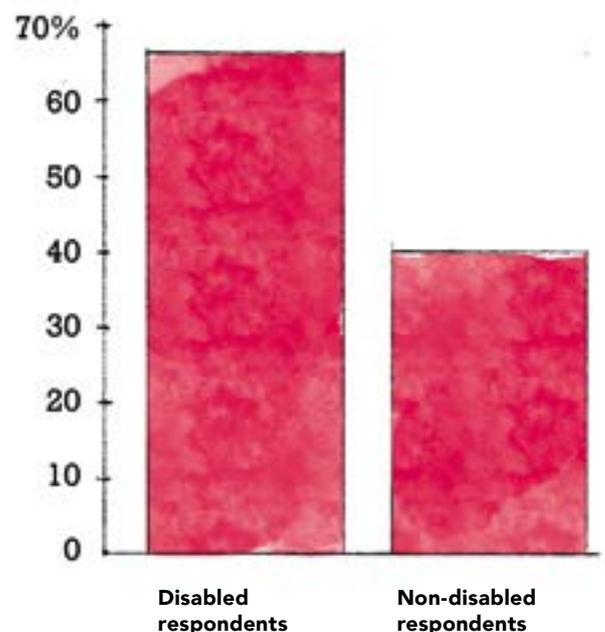
“People tend to assume you are okay if the disability is not seen. Pain, for example, is problematic as it is almost totally invisible. There is a general level of disbelief concerning disability if it is not visible.”

“People don’t always recognise that people with ‘invisible’ disability have needs and can be quick to judge. Even after an explanation is provided, people

2/3

felt there was more stigma associated with disabilities that others cannot see

Q. Do you feel there is more stigma with disabilities that others can’t see?



■ yes

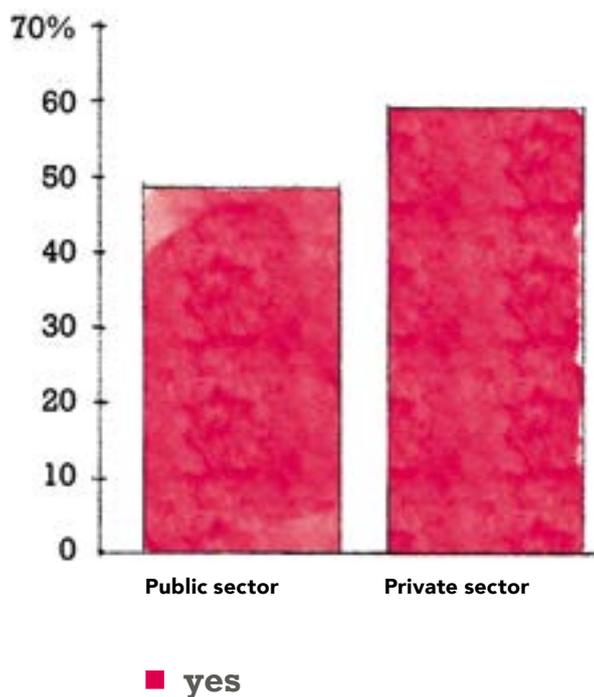
6 in 10

private sector respondents said there was more stigma compared to

5 in 10

public sector respondents

Q. Do you feel there is more stigma with disabilities that others can't see?



do not always know how to act."

"I have a blue badge and park in disabled car spaces but receive 'dirty' looks because I don't look disabled."

"Some people have a combination of visible and invisible impairments e.g. multiple sclerosis has many symptoms, some visible and some invisible. The former cannot be hidden but it's the invisible that can be difficult to talk about e.g. incontinence and urgency, cognition and fatigue."

Looking at all respondents, those in the private sector were more likely to report that they feel there is greater stigma with disabilities that others can't see compared to those in the public sector (58 per cent compared to 49 per cent).

Lack of understanding and support

Respondents reported a lack of workplace support for those with 'hidden' impairments, often arising from a lack of knowledge and understanding:

"People can readily see a broken leg, but cannot see a mental health condition. People just don't understand and not enough is done to educate colleagues to try to remove the stigma of a mental health condition. There's sometimes the impression that people think it is just being 'put on' and isn't real. My employer makes no special provision and has no policy around supporting colleagues with mental health conditions."

"As a result of a stroke, I struggle with the fast pace of work but have been told I look fine so should be able to carry out the same volume of work as others at my grade."

"People seem to understand people in wheelchairs, but any other disability including visual impairment is not treated fairly. Several colleagues have diabetes and this is not taken seriously. They are seen as 'not up to the job'."

"I have a hidden disability, endometriosis, which causes chronic fatigue, chronic pain, infertility, depression, anxiety, pain throughout the month (not just during periods), amongst many other symptoms. Not many people know about the condition and because I look what is classed as 'normal', people would not suspect I have an impairment and can be less supportive and understanding because they can't see it or they don't understand it."

Questioning and resentment

Responses showed that in some workplace there was a lack of understanding that people with 'hidden' impairments are entitled to be treated more favourably in order to overcome the disadvantages

they face and arrive at a more equal outcome. Respondents reported resentment being expressed by managers and colleagues who took the view that disabled workers with 'invisible' impairments were somehow seeking to gain 'unfair advantage' or 'putting it on'. This was sometimes used as justification for questioning their right to reasonable adjustments:

"Sometimes a reasonable adjustment is put in for a disability that can't be seen and staff question it, e.g. why has that person got lower targets?"

"I had chronic fatigue syndrome and found it difficult to explain and for colleagues to understand why I couldn't do the same as others."

"Sometimes other colleagues question whether staff with hidden disabilities are being genuine when they are going to appointments or need to take leave."

"I know that some colleagues think that I get preferential treatment but it's only workplace adjustments that are in place for me."

This was linked to wider cultural attitudes:

"Most people have been brainwashed by the Tories and the media that everyone with any type of disability are just malingerers and not really disabled."

“If disability is neurodiversity related then people tend to not be able to understand why you are not able to ‘get better’.”

Neurodiversity

Research by the National Autistic Society has shown that people with autism face some of the highest levels of disadvantage in terms of accessing work compared to disabled people in general. Its research revealed that just 32 per cent of people with autism are in some form of paid work, compared with 47 per cent of disabled people overall and 80 per cent of non-disabled people. It also found that 4 in 10 of those with autism say they have never worked, despite three-quarters stating that they want to and are willing to work.²⁰

Respondents to our survey reported that disabled workers with ‘neurodiverse’ conditions (such as autism spectrum conditions and attention deficit hyperactivity disorder) often faced particularly low levels of understanding and support in the workplace:

“If disability is neurodiversity related then people tend to not be able to understand why you are not able to ‘get better’.”

“Partner has been diagnosed with Asperger’s and severe stress/depression and is not really getting the help and support he needs.”

“ASD (Autism Spectrum Disorder)/ADHD (Attention Deficit Hyperactivity Disorder) are poorly understood with poor pre-conceptions of the conditions.”

“My daughter worked here and she has ADHD, she never had any support or understanding.”

Mental health problems

“A few years ago, I was on 6 weeks sick leave due to stress, anxiety and depression. This was exacerbated due to as soon as the sick note went in my team manager sent me straight up to Occupational Health, only to be told ‘I didn’t look stressed’. As you can imagine I left the building, sat in my car and broke down in tears. This made me feel like no

one believed a word I had said and made me more withdrawn with not nice thoughts.”

The Time To Change campaign has reported that 90 per cent of people with mental health problems have experienced stigma. It has also noted that two thirds of those with mental health problems believe that workplace stress (such as long hours, unrealistic workloads or bad management) either caused or exacerbated their condition.²¹

Respondents to our survey identified that mental health problems are still subject to some of the worst workplace stigma, often being treated completely differently to physical health problems and seen as a ‘sign of weakness’:

“You wouldn’t tell someone to work off a broken leg but mental health issues are seen as weaknesses.”

“Mental health, people are scared of it and don’t like you being off work. Some people seem to think it’s a weakness of character.”

“A member of staff with mental health problems requesting help and support to remain effective in the workplace was hounded until their only option was to go off sick.”

“Stigma around mental health issues still needs to be improved. Most of the heads of service in the workplace are men who go white and faint if you mention anything connected to any illness connected to the menopause or mental health. You can see the urge to put their hands over their ears and go ‘nanna nana I can’t hear you’. These people have such a long way to go in order to evolve.”

Talking about disability at work

Feeling uncomfortable about talking about disability at work

Research by Scope in 2017 found that nearly half (48 per cent) of disabled people have worried about telling their employers about their impairment or condition.²² It found that “negative attitudes prevalent in public life” were seen as a block to sharing information at work.

Respondents to our survey were asked whether they felt comfortable talking about disability at work. Overall, around 40 per cent of disabled respondents indicated that they did not feel comfortable talking *openly* about disability in the workplace. This was broken into two groups - 25 per cent who said that they would only feel comfortable talking about disability at work in a confidential setting with a union rep or line manager and a further 16 per cent who said they would not feel comfortable talking about disability at work at all.

Comments from respondents gave some insights into people’s experiences of talking about disability and what might make them reluctant to talk openly about disability. A combination of bad past experiences and unsupportive workplace cultures were cited:

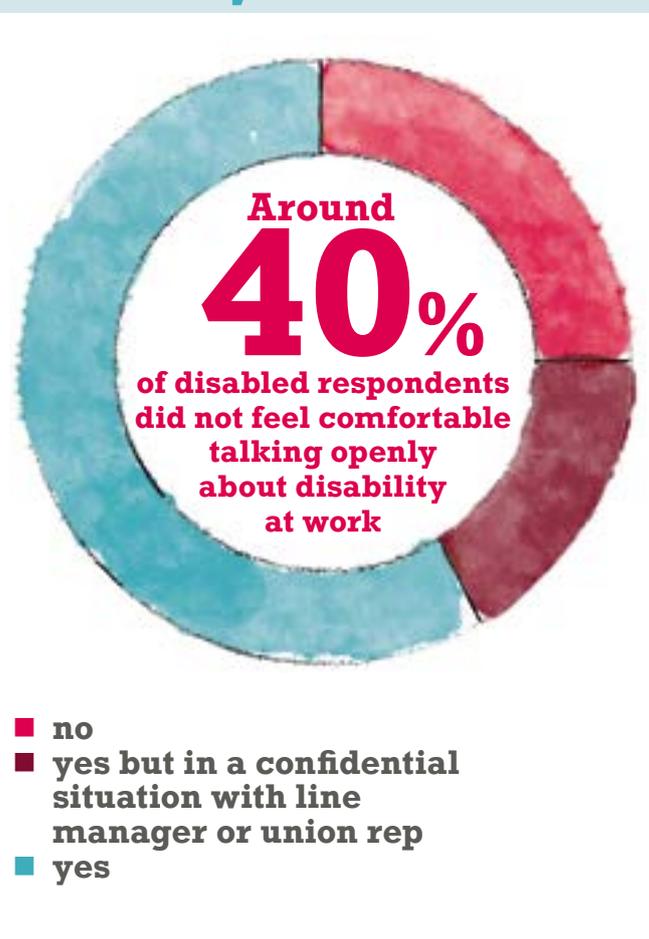
“My status as a disabled individual was questioned and swept under the carpet.”

“You feel that you don’t want to identify as having an impairment, in case it goes against you with regard to promotion or being given certain responsibilities.”

“Some staff being subject to intransigent line managers who don’t recognise mental health, depression and stress being an issue... staff frightened to discuss.”

“I...was open about my status as a mental health service user and was treated abysmally and in a very discriminatory way resulting in dismissal from the organisation.”

Q. Do you feel comfortable talking about disability at work?



1 in 3 (33 per cent) of disabled respondents said that disability had been an ‘awkward’ topic in their workplace.

“People often forget, then walk on egg shells when you remind them.”

“You have to try to keep it secret, especially if it is a stress type problem... One tries to keep hidden disabilities hidden!”

“A member of staff with mental health problems requesting help and support to remain effective in the workplace was hounded until their only option was to go off sick.”



1 in 3 said disability had been an 'awkward topic'

Q. Is disability ever an awkward topic in your workplace?

Feeling comfortable talking about disability at work – a line manager lottery?

More than half of disabled respondents (59 per cent) said they did feel comfortable talking about disability at work and 57 per cent said that disability had not been an 'awkward' topic in their workplace. A common observation among these respondents was that having a 'good' line manager was key to feeling confident about good communication and support, but it was also noted that this could be a 'lottery' depending on the particular line manager:

"I feel some management are totally sympathetic and endeavour to do their best, unfortunately this is not a constant."

"I have always had positive support from line managers, but I know this is not the case for everyone..."

"Immediate management can be varied. Some accept those with anxiety or other mental health issues and respect what they say, others seem to have the attitude that they should just get on with it."

Those working in the public sector were more likely to report feeling comfortable talking about disability at work compared to those in the private sector (64 per cent compared to 56 per cent).

64%

of public sector respondents said they felt comfortable compared with

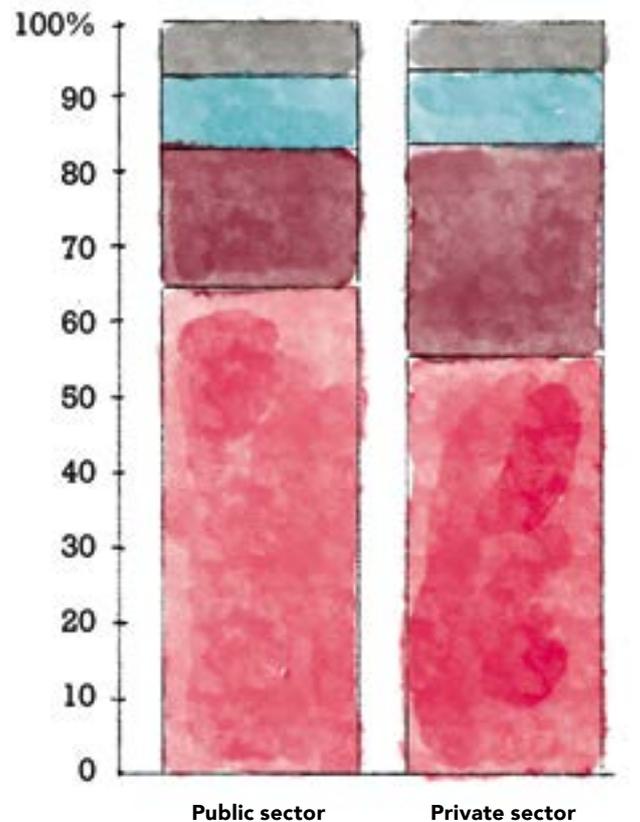
56%

of private sector respondents

Attitudes to disability in the workplace compared to society in general

Around 1 in 3 (31 per cent) of disabled respondents said that they were unsure whether attitudes towards disability in the workplace were any better or worse than in society in general. Around 1 in 10 (13 per cent) said they felt attitudes in their workplace were worse than society in general, but around half (54 per cent) of disabled respondents said they felt that attitudes to disability were better in their workplace than in society in general (although it should be noted this does not necessarily mean that they think attitudes are 'good', only 'better').

Q. Do you feel comfortable talking about disability in work?





1 in 3

said disability had been treated as a 'joke' topic in their workplace, and many experienced harassment

Q. Has disability ever been treated as a joke topic within your workplace?

Disability being treated as a 'joke'

Around 1 in 3 disabled respondents (32 per cent) reported that disability had been treated as a 'joke' topic in their workplace.

Many of these respondents described witnessing or being on the receiving end of harassment, such as name calling, ridicule, bullying, intrusive or inappropriate comments or threats.

A small number of disabled respondents said that they sometimes 'made light' of their own impairment, but this was felt to be a very different matter to others making 'jokes' about their disability:

"I can make fun of my own disability and happy to do so to generate thought about it."

"It is okay in my opinion as a visually impaired person to be light-hearted about the issues faced by visually impaired people, as long as it is appropriate."

Harassment – respondents' experiences

Respondents provided many examples of harassment in the workplace. Disabled respondents described the impact of these experiences on their confidence, dignity and wellbeing, citing a range of negative emotions such as feeling, "angry and frustrated by the ignorance", "upset", "enraged", "mocked", "diminished" and "worthless and not valued".

"Physical and mental health disability are used as subjects for jokes, including when we have clients

“My status as a mental health user was used to belittle me.”

who have disabilities.”

“My status as a mental health user was used to belittle me.”

“I have an impairment, and that has been used to bully me, with up to three staff members at a time with one leader.”

“Staff were joking about a [colleague] with dwarfism applying for a job, it was very upsetting. Myself and another colleague walked out of the room in disgust.”

“Some members of staff don’t understand it as it’s not always visible and they think it’s funny when I’m suffering with pain.”

“Take piss out of learning disability need.”

“Dyslexia is often joked about when people misspell things.”

“Heard others call person ‘bog-eyed’ due to turn in their eye.”

“I have a medical condition... whilst it is not a disability you can see, it can and does affect my daily life and can occasionally affect my attendance at work. Nicknames such as ‘sick-note’... have added stigma to me.”

unchallenged and that disabled people continued to be exposed to harassment at work:

“[I am] offended and saddened that the individual making jokes/treating disability lightly or as a source of fun is often not challenged.”

“We have suffered hate crime here for years because of it. And the perpetrator is happy to admit to it almost with pride to our face.”

Respondents expressed frustration that in some workplace, such comments could often go

Workplace policies

Over three quarters (78 per cent) of all respondents reported that their workplace had policies in place which helped disabled workers. However around 1 in 10 disabled respondents (9 per cent) reported that there were no policies in place at all in their workplace, and a further 12 per cent were unsure whether there were policies in place or not which may indicate that if present, the policies are not being implemented very effectively. Among non-disabled respondents, there was a greater level of uncertainty, with 18 per cent unsure if there were any policies in place, and only 2 per cent certain that there were not.

Coverage of policies was better in the public sector. Those working in the public sector were much more likely than those in the private sector to report having policies in place (83 per cent compared to 59 per cent).

Many respondents who said that their workplace had policies to help disabled workers referred to the existence of general equality and diversity policies and some cited policies covering the provision of reasonable adjustments or separate disability related leave policies. A smaller number reported that dedicated disability equality policies or schemes such as 'personal workplace disability passports' were in place or that there were policies for specific conditions such as dyslexia or diabetes.

Poor or non-existent implementation of policies

Although three-quarters of respondents reported that policies to help disabled people were in place in their workplace, there were many comments indicating that often policies were not implemented effectively in practice:

"Equality and diversity policies are very much promoted however, not delivered."

"Numerous HR policies on equality issues that are routinely ignored."

"They have policies but do not implement them."

"Requests for any measures within the policy to be put in practice invariably encounter massive resistance."

"They have numerous policies but they don't adhere to them."

"There is supposed to be a policy but I've never seen it and I don't know anyone who has."

"We have policies for everything, though they are rarely implemented meaningfully."

The issue of inconsistent or poor management was again cited as a problem:

"While there are policies protecting disabled people, it is down to individual managers to implement them, and they don't."

"They have a robust disability policy which some managers understand but do not interpret the definition of correctly. The majority of my colleagues are not aware of the company disability policy."

"There is no standard practice, one manager will stick to the rules whilst another will bend the rules."

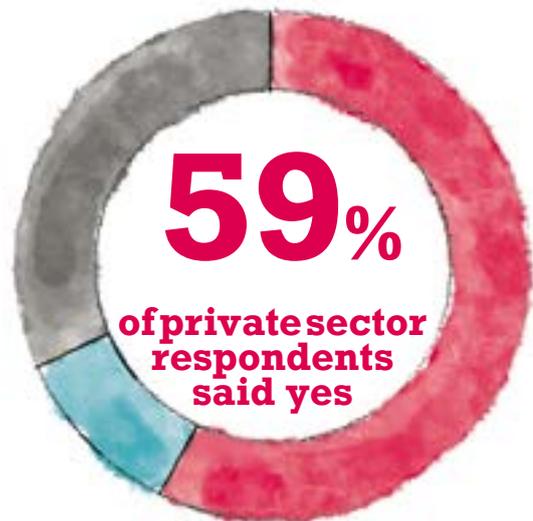
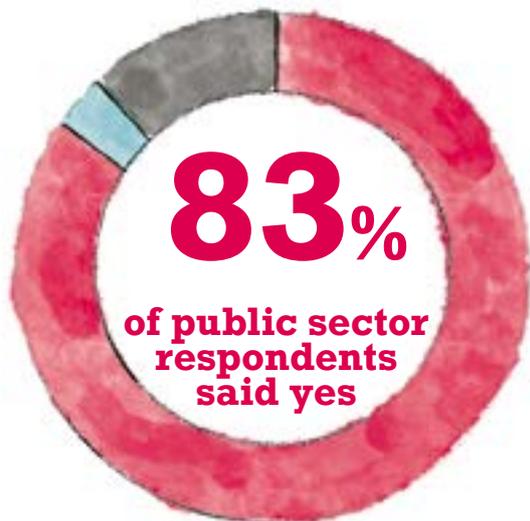
"One manager will allow paid time off for appointments whilst another makes you take flexi time."

"There are inconsistencies in how managers apply policies and their discretion, particularly in the case of disability in my view and more particularly mental disability."

Some respondents' answers indicated that a key problem is managers having a lack of understanding about the legal definition of disability. This meant

“While there are policies protecting disabled people, it is down to individual managers to implement them, and they don’t.”

Q. Does your workplace have policies which help disabled workers?



■ yes
■ no
■ don't know

that in the implementation of policies, they often excluded 'hidden' impairments and only recognised 'visible impairments:

“The buildings are accessible and evacuation procedures are in place for physical disabilities. As regards mental health, the only real policy I can see is to refer people to counselling.”

“As far as I know the only thing we have is a car parking spot”

“Reasonable adjustments but this is an area that generates so many issues especially for less obvious disabilities.”

“It depends what the disability is, if you can see it then yes, but if you can't see the disability I would say no [regarding workplace policies that help disabled workers].”

A lack of effective information gathering and monitoring was also identified as an issue:

“We have policies in place but to date workforce reports are not available to provide assurance on this.”



Sickness absence policies

Many respondents reported that workplace sickness absence policies with a 'disciplinary' rather than a 'supportive' focus caused particular problems for disabled workers. They noted that such policies often undermined other policies aimed at promoting disability equality in the workplace.

Sickness absence policies containing 'absence triggers' (after which workers can be subject to warnings and disciplinary procedures, including the possibility of dismissal), are now common in many workplaces. In some cases, disciplinary action can be triggered after just a few days' absence (particularly if absences are on separate occasions). These policies are often implemented towards disabled workers in a way that is discriminatory, particularly in organisations where disability-related sick leave is not counted separately.

As certain impairments and conditions may result in some disabled people being absent more often at times, in many cases, a relaxation of triggers would be entirely appropriate as a 'reasonable adjustment' for a disabled worker so that sanctions are not unfairly applied. Depending on the circumstances, refusal to relax triggers and sanctions could be regarded as a 'failure to make a reasonable adjustment', a form of disability discrimination under the Equality Act. In some cases, sanctions against a disabled worker under sickness absence schemes could also constitute another form of discrimination under the Act: discrimination arising from a disability.

Employment Statutory Code of Practice states that it is good practice for employers to have policies separating disability-related sickness absence from other illness related absence and/or a policy allowing 'disability leave'. Many trade unions have sought to negotiate to get such policies put in place.

However, even where disability leave policies are in place and disability-related sickness is counted separately, there can still be problems when managers do not have a sufficient understanding that the definition of disability includes workers with non-visible impairments or when the policies are not flexible enough to accommodate different disabled workers' needs.

Respondents experience of sickness absence policies and disability-related sickness absence

Respondents to our survey reported numerous problems regarding sickness absence policies and disability in their workplaces:

"I have found that my immediate manager is supportive and informed, but that she herself is unsupported by our HR department. I have had three disability-related absences due to anxiety/depression and the management of this has been forced down the company's general sickness policy, which does not cater for mental health conditions."

"There are policies to help ensure fairness for many groups however... the policies are feared to be lip service only as an equality review process proves that those who are disabled, under 24, over 55 etc. are twice as likely to receive a warning under the attendance management programme."

"Disability related absences are managed entirely by the sickness absence policy which isn't appropriate."

"Largest cause of sickness is stress and depression. As this is not visible sufferers are treated abysmally and normally managed out."

"Changes to absence management policy disadvantaging people with disabilities."

"Some staff put on sick warnings because they are off because of disability problems and pain."

"Some measures are in place, but again, the sickness policy prevents the office from being fully accommodating."

"I had a long battle with managers for many years over issues with my sickness, I was pretty close to the sack earlier in my career due to people's lack of knowledge of my condition. It took a letter from the chairman of a local charity, a letter from my doctor and a letter from the company doctor to help the powers that be understand. My experience was a pretty horrific one and I would hate for anyone to have go through that stress again."

One disabled respondent described the harassment and discrimination she experienced at the hands of her employer:

"They constantly questioned me and even rang the hospital and my home address when I was having procedures. I was forced into coming to work when I was not well enough to do so. Threatened with redeployment and a drop in pay if I could not come to work (without reasonable adjustments having been looked at), humiliated and my daily diet (which has no bearing on my condition) and private life scrutinised. My medical records were accessed so many times the employer's occupational health department intervened on the last occasion and refused as it was so intrusive."

Many respondents reported that workplace sickness absence policies with a 'disciplinary' rather than a 'supportive' focus caused particular problems for disabled workers.

Performance management and capability procedures

Respondents also reported problems with performance management and capability policies. These were often being used in ways that could be considered discriminatory against disabled workers:

"The PMR process discriminates against people with [specific] learning difficulties such as dyslexia."

"Targets often don't consider individuals' disabilities."

"Evidence that BME and disabled staff score lower in performance assessments and higher in disciplinary action."

"It can be hard for people with hidden disabilities and especially mental health difficulties to access adjustments. Recently we have had several cases of people being dismissed using the capability procedure."

"The statistics show that disabled workers... are less likely to be promoted and to have a good performance rating."

Promotion and progression

Achieving a good rating under performance management is often strongly linked to access to promotion opportunities in many workplaces. Where performance management policies are operated in a way that is discriminatory towards disabled people, this is likely to unfairly limit opportunities for promotion.

Respondents to our survey reported several problems and concerns for disabled people wishing to access promotion in their workplaces:

"There are not enough jobs advertised for parttime workers for example, which may stop carers or people with health or disability issues from getting promotion."

"As an HR professional with a very good track record...I've managed not to get through a single sift for promotion. I have my own disability - recurrent major depression episodes - which I have managed well all my working life but which occasionally I need some time off for and I believe that is the reason I haven't been promoted."

"Some managers will treat their colleagues differently, favouring some and not others. Those with disabilities seem to be put in roles where they can get ignored or easily overlooked."

"Being told by your manager that your English grammar and spelling is limiting your promotion prospects, as a dyslexic person."

"You feel that you don't want to identify as having an impairment, in case it goes against you with regard to promotion or being given certain responsibilities."

"They have... not changed one thing for me including job applications which requires a 2,000 word document or remembering a 5 minute presentation which made me ill. No understanding whatsoever."

Reasonable adjustments



80%
of disabled
respondents
said yes,
however, often
problems with
the process
were reported

Q. Does your workplace put in place 'reasonable adjustments' to help workers with impairments?

Under the Equality Act, an employer must make 'reasonable adjustments' for disabled workers where they would be at a substantial disadvantage compared to a non-disabled colleague. The requirement covers "provisions, criteria and practices" (this usually includes workplace policies and it doesn't matter if they are written down). It also covers "physical features" and the "provision of auxiliary aids". Employers should involve the disabled worker in the discussion about what can be done to support them. Most adjustments are inexpensive and relatively simple. Many do not cost anything. In some circumstances, grants are available from the Access to Work fund.

Around three quarters of all respondents, (74 per cent) and 8 in 10 disabled respondents (80 per cent) reported that their workplace put in place 'reasonable adjustments' to help workers with impairments. However, often, problems with the process were reported.

Delays

A number of respondents noted that although their employer did carry out reasonable adjustments, in some cases requests were not carried out promptly. Some disabled workers had been left waiting months and even years for the adjustments they needed to be put in place:

"It took me 15 years to sort out proper reasonable adjustments for my condition."

"We can wait up to 12 months for responses to requests."

"Took a year to get my desk assessment."

"I asked for a new chair in June 2015 I have had 1 desk assessment since and 2 major back operations in the last 12 months and still waiting for a chair, I am

“It can be hard for people with hidden disabilities and especially mental health difficulties to access adjustments. Recently we have had several cases of people being dismissed using the capability procedure.”

in constant pain due to the chair I am using now.”

Problems obtaining non-physical adjustments

Respondents reported that employers often seemed to be more willing to put in place ‘physical’ adaptations rather than changes to workplace practices or ways of working, which had a particularly negative impact on workers with ‘invisible’ impairments:

“Employer talks about reasonable adjustments these are usually physical adaptations to building rather than to job itself.”

“They make adjustments for visible disabilities but make those with non-visible impairments prove over and over why they need an adjustment.”

“Often ‘reasonable adjustments’ that are physical such as desk lights, quiet desk etc. are put in place but little understanding on how to help structure workload, difference in learning method (if unable to read text books or software easily) or the importance of someone proof reading information is missed.”

“The impact of being hearing impaired since I was 32 has been hard to convey at times... I’ve given up trying to explain and have found that avoiding meetings in areas where there could be a lot of background noise is helpful although we’re constantly being persuaded that these kinds of meetings are more productive. We’re also often told to speak to people rather than send emails – not a good option for me and I end up sounding like a cracked record explaining this.”

Poor management and implementation of adjustments

Responses showed that some requests for adjustments were poorly managed or monitored. This not only affected people’s ability to do their job but in some cases caused disabled workers’ health to worsen:

“I have personally asked for help for a colleague in line with the Equality Act, it has been ignored and my colleague now needs further surgery which may have been prevented or offset to a later date, had action been taken when help was first asked for.”

“It is an absolute nightmare. I always feel like I am being seen as causing a problem when I ask for reasonable adjustments. I am very rarely included in any decision making. Reasonable adjustments are considered but they often tend not to be practical and my expertise is never listened to. Managers see it as a problem to be dealt with not as a way of genuinely helping disabled people.”

“I am aware that colleagues with a requirement for accessibility software are often left unable to work when updates or new kit is installed which disables their software. Despite numerous requests and even the intervention of very senior staff, those who implement these activities often consider the accessibility aspect as an afterthought.”

“Although adjustments are available, having no central point of contact for monitoring compliance and ensuring the work for adaptations means that there are variations in practice.”



Failure to make reasonable adjustments

A significant minority of 14 per cent of disabled respondents said that their employers did not put in place reasonable adjustments at all. In some cases, requests were either refused, ignored completely or wholly inappropriate 'adjustments' were offered instead:

“I had my request for 10 years ignored as my disability is not physical and cannot be seen. I had a stroke at 33 and HR will not speak with a neurologist to try to explain my issues. It is not a drop-down catalogue option and is too difficult to try.”

“Disabled people are not provided with the reasonable adjustments needed to do their jobs.”

“As a wheelchair user, having to ask constantly (over 12 years) for building access to be improved, toilets and access to floors above ground level. Been told that nobody else complains.”

“Information and internal computer software not in formats that can be altered in font/size/colour making much information inaccessible.”

“I’m disabled and my boss won’t acknowledge it.”

“Resilience training - management think this is the solution to stress and anxiety or other mental health conditions and once you’ve done the hour briefing, you’ll be fine.”

Overall, among all respondents, workers in the public sector were more likely to report that their workplace put in place reasonable adjustments compared to those in the private sector (76 per cent compared to 68 per cent).

Casualisation

Respondents noted that it was often more difficult for workers on 'casual' contracts (such as zero-hours, fixed term, or agency workers) to ask for adjustments, and there were concerns about the unfair treatment of workers on these contracts:

“Precarious contracts. Staff unaware of asking for reasonable adjustments.”

“Casual employees are always treated differently to contracted staff, in a very unfair and demeaning manner.”

“Those on part-time or hourly paid contracts find it difficult to access CPD and quality processes if they are not in on that day.”

Respondents reported that employers often seemed to be more willing to put in place ‘physical’ adaptations rather than changes to workplace practices or ways of working

Disabled women’s experiences

TUC research has found that disabled women face penalties related to both their sex and impairment and that as a result, they experience generally worse employment disability penalties than disabled men.²³

This was reflected in the experiences of several disabled women respondents to our survey:

“After recently returning after a long-term absence I genuinely feel that as a woman in the workplace my skills and experience are not valued. I have been left in a position that is not suitable and completely unsupported in training.”

“Part timers/carers who are predominately female are often overlooked i.e. meetings arranged on non-working days. Whilst on maternity leave, I wasn’t informed of a job promotion that I was eligible for.”

“Despite the focus on flexible working and the ability to work from home, I’m not convinced that homeworkers are equally considered in comparison to the majority / office-based staff. In policies homeworkers always seem to be ‘tagged on’ for policies to apply to them, as opposed to policies being developed with their needs in mind. New developments, tools, ICT etc., homeworkers are always the last to receive and they have usually been developed to suit office based staff.”

“We have lots of policies on equality and equality is always on the agenda but then, when I thought about it fully, I realised that actually I see fewer women, BME and disabled colleagues at the senior management level. White men still seem to be in the top positions.”

Positive experiences

The positive role of trade unions in promoting equality in the workplace and the importance of a good HR department, good policies developed in consultation with unions and robust grievance procedures were highlighted by a number of respondents:

"We have good policies, practices and systems for raising complaints. There are also routes to raising concerns and to lobby for improvements through the trade unions and the various staff networks."

"A recent report showed that work done by our UNISON branch and HR had resulted in a vastly reduced gender pay gap."

"Strong union presence that supports the members and therefore, the business to be effective."

"Good HR and liaison with me as GMB union rep on all policy documents."

"HR is pro-active and will intervene if someone raises a grievance on such issues driving an equality agenda."

Employers who ensured appropriate training and the integration of equality issues into all workplace procedures were seen as particularly effective:

"Access is a subject that forms part of many of our team meetings and is a fundamental part of how we undertake our work - we have different budgets set aside to facilitate it on different projects. We have policies about access, how people are treated etc... but more importantly it is part of our mind set."

"Policies and procedures are in place, staff training regularly happens to cover equality and diversity and as part of the appraisal process, staff have to state and evidence how they adhere to the company policy."

The effective implementation of reasonable adjustments was noted as vital to disabled workers being properly supported in the workplace:

"I have recurring depression episodes but have managed to work for 40 years... I have found that with some flexibility, a bit of home working and a slight loosening of flexible working parameters that I have been able to work through an episode rather than taking sickness absence. This in turn has helped my confidence and my loyalty to my manager and organisation and improved my self-esteem enormously."

"I have seen this in action, when someone came back into work after illness which left them with a disability and they were moved to a job that was more easily achievable and accessible for their needs. I personally am not disabled but as I have a disabled relative it is considered that I am disabled by association and I am treated with consideration when I need to take time off for my relative's illness or hospital appointments."

Appropriate and supportive sickness policies that allow for disability-related absence were also cited as a key factor:

"Sickness absence policies that also cover long-term sickness and disabilities."

Again, the importance of supportive line management could not be underestimated:

"It can even be difficult to stay awake during work if my chronic fatigue syndrome is playing up, or my blood sugars are playing up. My line manager has always been very accommodating and helped me when I am going through tough times and been very understanding."

"I lost an eye in a violent incident related to previous job I did. I also suffer from infrequent bouts of PTSD/depression and have recently been diagnosed as diabetic. I am currently happy with the support I have received from colleagues, management and HR."



Respondents' suggestions for improving the situation

Respondents were asked to identify any other resources that the Wales TUC could provide that they would find useful or that they felt might improve the situation. Many suggestions went beyond the specific role of the Wales TUC and unions to include government, employers, managers, HR, colleagues and others.

They suggest a range of actions from better workplace policies, improved implementation of existing policies, monitoring of disability equality, greater management and organisational accountability for ensuring disability equality, awareness raising, training and education, support and practical help, and the changing of some current working practices.

Workplace policies that are fit for purpose

Around 9 out of 10 disabled respondents said that they would welcome an example or 'model' policy from the Wales TUC covering 'hidden' or 'invisible' impairments.

Respondents stressed the importance that any 'model' policies should be based on the social model of disability and that they should be developed in consultation with disabled workers.

The importance of making sure that policies were accessible to all was emphasised, for example for 'easy read' versions of policies to be available for workers with learning disabilities.

It was felt that it was of key importance that policies should stress explicitly that 'invisible' impairments are included in the legal definition of disability.



“We have lots of policies on equality and equality is always on the agenda but then, when I thought about it fully, I realised that actually I see fewer women, BME and disabled colleagues at the senior management level. White men still seem to be in the top positions.”

Flexibility to accommodate the different needs, experiences and abilities of different disabled workers rather than imposing a ‘one size fits all’ approach was essential:

“Whilst a model policy is welcome the key for me is flexibility... Many disabled people get tired and may need different support on different days, which can be hard for employers and others to understand.”

Schemes such as “personal workplace passports” (when managed and implemented properly) were noted as helpful, particularly for workers who frequently experienced changes in line management.

One of the strongest themes that came from the responses to the survey was the need to ensure that sickness absence policies do not discriminate against disabled workers, as many respondents felt that current workplace policies and practices were failing in this respect.

There were a number of suggestions as to how employers could improve the situation, such as counting disability-related sick leave separately or providing flexible, designated disability leave. The importance of ensuring that the definition of disability included in such policies explicitly emphasises that ‘invisible’ impairments such as mental illness are covered was again emphasised:

“More advice on how disability special leave could be practically used for mental illness, e.g. adjustment to meds etc. would be useful. This is a hidden

epidemic and with the right support time off work can be minimised but not all employers/managers see it that way.”

“How mental health is treated in regard to the sickness policy.”

Better implementation and monitoring of reasonable adjustments, policies and disability equality within the workplace

Many respondents indicated that the key problem in their workplace was not the lack of policies covering disability, but the lack of effective implementation and monitoring of such policies. A number felt that more management and corporate accountability was needed if this situation was to change. Respondents felt that trade unions could have a key role in efforts to keep up pressure on employers in this respect:

“A disability audit! To test policies and how well they work. For example, there is a disabled interview scheme that guarantees a disabled applicant an interview if they meet the minimum criteria for job. How many of these actually result in the disabled applicant being offered the post?”

“People with disabilities should have regular surveys to make sure the referrals advice from health management is being followed through consistently, not just agreed and forgotten and info should be passed on to HR and trade unions.”

“Senior leaders need to be held accountable so bringing this to their line managers’ attention and having some meaningful auditing of their performance.”



“Encouraging the workplace to implement sanctions for any managers who fail to support such policy.”

Awareness raising initiatives and resources

Respondents felt very strongly that more resources were needed to support a sustained campaign of awareness raising. They felt that trade unions could have a key role in kick-starting awareness raising initiatives in the workplace.

Suggestions included a toolkit, leaflets, posters, branch motions, online resources, short videos, emails/newsletters, case studies, good practice examples of reasonable adjustments. Others suggested talks and presentations including positive role models as speakers.

Again, the importance of ensuring that resources and materials are available in accessible formats was highlighted (e.g. subtitles on all videos).

Comments included:

“Better awareness for all staff would be good. Some people are just unsure what an ‘invisible disability’ is until it happens to them and then they are aware of the stigma.”

“Having an invisible disability myself, namely fibromyalgia, I welcome anything that will highlight a hidden disability. If people can be made more aware and understand, that there are certain illnesses that you don’t necessarily have to look ill, to have a debilitating illness and feel constantly tired

“I have recurring depression episodes but have managed to work for 40 years... I have found that with some flexibility, a bit of home working and a slight loosening of flexible working parameters that I have been able to work through an episode rather than taking sickness absence. This in turn has helped my confidence and my loyalty to my manager and organisation and improved my self-esteem enormously.”

and in pain.”

“Some examples of hidden disabilities... basic case studies for context.”

“Guides on particular hidden disabilities like mental health conditions, diabetes, migraines, autism etc.”

“Campaigns on stress, workload, mental health and the basics of law on reasonable adjustments.”

“It was useful to see consideration for women who got through the menopause. Also as the retiring age increases to 66+, consideration needs to be given to age related conditions – e.g. eye problems – cataracts, longer periods to recover from accidents etc.”

“The role of carers of young adults with hidden disabilities and what adjustments can be made without disadvantage in the workplace.”

“Signposting to charities and advice.”

“Links to reputable sources on hidden disabilities. Links to places where you can seek help if you are struggling with your own hidden disability. Helpline numbers for anyone who may feel affected or know someone with a hidden disability. Just general supportive information for both the people learning about hidden disabilities and those with hidden disabilities.”

Signposting and support for disclosure

Several respondents felt that effective signposting and support for disabled workers needing more information about different impairments, diagnosis and a point of contact for those concerned about disclosure was important:

“Mediation availability, signposting for people looking for assistance on where to obtain support / confirmation of disability.”

“Help with how to recognise and find out more about hidden disabilities. Who to talk to etc.”

Training for all

Around 9 out of 10 (87 per cent) of all respondents said that they would welcome training for union reps so that they could provide more support on disability issues in the workplace.

However, many respondents felt that disability equality training needed to be mainstreamed across all workplaces, so that managers' and colleagues' awareness could be improved.

"Training for personnel, colleagues, and relevant managers not just union representatives to share this knowledge."

"Compulsory training for all workers on hidden disabilities."

It was felt to be vital that training should be facilitated by a disabled person and based on the social model of disability:

"Disability equality training is always provided and run by a disabled person. It covers hidden disabilities. It works using the social model of disability. Also, perhaps giving examples of hidden disabilities that can cause huge issues for people in their lives and others can be quite unaware unless they are told about them. Let people know about the social model of disability."

"Training by qualified disabled people in disability equality training. Training on the value of all workers and emphasis on disclosure as a means to reasonable adjustment at work."

There were several suggestions of other areas that



such training could cover:

"Unconscious bias tailored to invisible/hidden disabilities could be useful."

"How to identify what is and isn't appropriate language."

"To make all managers aware to avoid unprofessional comments being made."

"Regular workshops that present life scenarios."

Some respondents felt that having more specialist union reps such as a 'disability champions' would be helpful:

"Dedicated union rep with specialist disability knowledge."

Ideas for training that could help reps included:

"Case precedent and tribunal outcomes."

"Training on the EA2010 and how that tied in to Employment Tribunal and how to word the forms etc. to submit a case."

“Let people know about the social model of disability.”

A trade union voice for disabled people who are not in work

Several disabled respondents indicated that they were not able to access work because of a lack of support and discrimination:

“I do not have the opportunity to work due to my disability and not being able to compete in an abled world.”

“I look different because of learning disability. Don’t make it easy for people with learning disabilities to get jobs.”

“I don’t get to work. I hardly ever go out because I don’t get any support even with shopping trips, so how am I going to work?”

It was felt that it would be helpful for disabled people who are unable to access work but wish to work to have a voice through trade unions:

“I would like the disabled who have no work to be represented by the Wales TUC.”

Wider changes

A number of respondents indicated that there were wider changes that they would like to see at a national level:

“An agreed national approach to how to challenge both managers and colleagues.”

“Name and shame difficult employers.”

“Ensure that any organisations the Welsh Government supports have good workplace policies prior to getting any funding.”

“Assisted employment and positive discrimination initiatives.”

“More resources aimed at employing visually impaired people.”

Section 6: Conclusion and recommendations

The findings of this survey have shown that there is much more that needs to be done to improve the situation for disabled workers. It has highlighted a number of actions that could be taken to reduce the barriers faced by disabled workers and bring about greater disability equality.

Analysis of the findings has identified several actions that should be taken by Welsh Government and the UK government to improve the situation for disabled people in Wales. These have been put together separately in a list of campaign asks which are available here www.tuc.org.uk/DHIWcampaignasks

The following are a list of recommendations for actions sought from employers as well as some ideas of actions that could be taken by the trade union movement:

Recommendations for employers

Clear and properly implemented policies that support disability equality

Workplace policies impacting on disabled workers should always be developed in consultation with unions and disabled workers to ensure they are fit for purpose. Existing policies should be regularly reviewed and amended in consultation with unions in the same way. Policies should make it clear that 'invisible' impairments are covered within the definition of disability.

Measures should be in place to ensure accountability so that all relevant policies are effectively implemented and monitored in practice. Organisations with a lead person responsible for retaining disabled workers have been found to be among the best in ensuring good practice with career progression for disabled workers.

Collect data about disability in the workplace to monitor disability equality

Data can be collected anonymously through staff surveys and other methods to help identify problem areas or areas where more support or training is needed to tackle discrimination. Monitoring information could look at issues such as how many disabled people are employed, the disability pay gap, job satisfaction, engagement and progression, management attitudes and support, issues around disclosure, colleague attitudes and support, experiences of reasonable adjustments and experiences of discrimination.

To ensure adequate engagement it is likely to be important to properly explain the purpose of collecting the data and how it will be used and to provide reassurances regarding anonymity and confidentiality.

Awareness raising campaigns

Employers should use all available communication channels to provide information to all workers about the support available and the availability of reasonable adjustments for disabled workers (including those with invisible impairments).

Employers can also work with disabled workers to develop awareness campaigns on disability equality in the workplace, including 'hidden' impairments. This could include leaflets, online resources, talks, lunchtime events, opportunities for disabled people in senior roles to share their experiences or to listen to speakers from disabled people's organisations. Taking proactive measures to raise awareness and challenge stereotypes can help create a more positive, open and disability friendly workplace culture.

Mandatory disability equality training for all managers and staff

It is vital that regular disability equality training, run by disabled people and based on the social model of disability is provided to all staff. It would be helpful if such training covered 'hidden' impairments, unconscious bias, appropriate language and legal rights. Providing additional specific training, such as deaf awareness, autism awareness and mental health awareness training to all staff is also helpful in raising awareness and combatting stigma and exclusion.

Managers may need additional training on workplace policies and the Equality Act to ensure policies are properly understood and implemented correctly. Managers may also benefit from training on how to have supportive conversations with disabled workers (for example around discussing sensitive issues, disclosure and reasonable adjustments).

Action to eliminate discrimination and harassment of disabled workers

Employers should take steps to encourage and support workers in the reporting of incidents and problems - establishing an alternative point of contact or support may be helpful in circumstances where someone may not wish to speak to their manager (an alternative point of contact could be through an employee assistance programmes or HR). Encourage line managers and colleagues to challenge negative behaviour and comments and support disabled workers in the reporting of incidents of harassment so that appropriate action can be taken.

Improve access to support for disabled people within the workplace, including peer support groups and mentoring schemes

Mentoring schemes and peer support groups (including the involvement of senior staff) have been shown to be some of the most effective ways of improving career progression for disabled workers. Highlighting senior disabled people within the organisation who are willing to act as role models may also be helpful in combatting stereotypes and creating a more positive and 'disability friendly' workplace culture.

Offer paid disability leave, paid carers' leave and flexible working practices (such as adjustments to hours and home working)

Flexible working practices can benefit many groups of workers and can be particularly useful to disabled workers and those with caring responsibilities. Flexible working is one of the most common reasonable adjustments requested by disabled workers. Operated alongside disability leave and carers' leave policies, flexible working policies can offer additional flexibility that can enable people to manage their time and work more effectively. Knowing that the option of having flexible arrangements is available may provide reassurance to workers with disabilities and caring responsibilities and prevent many issues arising in the first place.

Decent jobs – permanent, secure contracts with decent hours and pay

Offering permanent, secure contracts with decent hours and pay is better for workers' health and wellbeing and is more likely to give disabled workers the confidence to disclose their impairment and ask for any adjustments needed.

Action plan for the Wales TUC and unions

Training for union reps and officers

The Wales TUC is currently developing a new 2-day course focusing on improving disability equality in the workplace (including dealing with issues affecting members with 'hidden' impairments). This accredited course will be piloted later in 2018 and rolled out across Wales. Unions should encourage reps to attend the training. The training will cover the social model of disability, unconscious bias, legal rights, best practice in policies, mapping and monitoring, disclosure, appropriate language, and good practice in reasonable adjustments and challenging discrimination.

Development of a toolkit and eNote for union reps

A toolkit is currently also under development by the Wales TUC and is due to be completed in early 2018. It will include: what is disability, who is affected (including people with 'hidden' impairments), the position of disability equality in the workplace, the impact of UK government austerity, stereotypes and unconscious bias, the social model of disability, a guide to the law, addressing workplace issues and barriers, example policies and good practice, case studies, surveys and other tools, and signposting and support.

The toolkit will act as a standalone resource but will also be used as part of the above course. Unions are encouraged to share any existing policies, examples of good practice or case studies that could be shared with other unions by contacting the Wales TUC.

Workplace campaigns

Unions can use their reach to kick-start workplace campaigns. Actions could include consulting with disabled members and carrying out workplace surveys or mapping to identify issues linked to disability. Raising the issues at branch meetings and meetings with employers. Other useful activities could include lunchtime awareness sessions or providing leaflets and signposting.

Negotiating workplace policies and pressing for effective implementation

In consultation with disabled members, unions can negotiate new policies or review and renegotiate any existing ones which impact on disabled workers. It will also be important to press the employer to train managers adequately to ensure that policies are implemented properly and that managers have a clear understanding that 'invisible' impairments are included in the legal definition of disability.

Press for proper monitoring of disability equality by employers

Unions can put pressure on employers to establish proper monitoring and auditing arrangements to monitor disability equality in the workplace, check if policies are being implemented effectively and identify any issues where improvements are needed.

'Nothing about us without us' – encourage greater involvement of disabled workers within the union

Many trade unions have structures for disabled members. If your union does it may be useful to encourage and welcome the involvement of disabled members in to those structures and to encourage more disabled members to become active as reps. Some unions also have community structures and it could be helpful to encourage the involvement of unemployed disabled people within these and the union's wider disability structures.

Ensure that the union's own events, such as workplace meetings, communications and resources are inclusive and accessible for all disabled people (including those with 'hidden' impairments).

Section 8: Further sources of information

ACAS

www.acas.org.uk

Access to Work

www.gov.uk/access-to-work

Department for Work and Pensions

www.gov.uk/government/organisations/department-for-work-pensions

Disability at Work

www.disabilityatwork.co.uk

Business Disability Forum

www.businessdisabilityforum.org.uk

Disability Wales

www.disabilitywales.org

The Equality and Human Rights Commission (EHRC) in Wales

www.equalityhumanrights.com/en/commission-wales

Health and Safety Executive

www.hse.gov.uk

Mind Cymru

www.mind.org.uk/about-us/mind-cymru/

SCOPE

www.scope.org.uk

TUC disability research and information

www.tuc.org.uk/research-analysis/equality/disability

Trade Union Disability Alliance

www.tuda-online.org

Welsh Government disability information

gov.wales/topics/people-and-communities/equality-diversity/rightsequality/disability/socialmodel/?lang=en

References

1. <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/keystatisticsandquickstatisticsforlocalauthoritiesintheunitedkingdom/2013-10-11#health>
2. <https://www.equalityhumanrights.com/sites/default/files/being-disabled-in-britain.pdf>
3. (Median hourly earnings)
4. https://www.tuc.org.uk/sites/default/files/Congress_2016_TUC%20Equality%20Audit_Digital.pdf
5. <http://www.disabilityatwork.co.uk/research-areas/do-equality-policies-and-practices-help/>
6. <http://www.disabilityatwork.co.uk/research-areas/do-equality-policies-and-practices-help/>
7. <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/InquiryProcedure.aspx>
8. <https://www.ifs.org.uk/uploads/publications/bns/bn150.pdf>
9. <http://gov.wales/docs/caecd/research/2015/151015-review-evidence-inequalities-access-healthcare-sevices-disabled-people-summary-en.pdf>
10. <https://disabilitybenefitsconsortium.files.wordpress.com/2017/09/supporting-those-who-need-it-most-full-report.pdf>
11. <http://www.independent.co.uk/news/uk/home-news/disability-benefit-changes-mental-health-discrimination-high-court-ruling-mind-a8122861.html>
12. <http://www.disabilitywales.org/blog/more-than-100-a-week-losing-their-motability-vehicles-thanks-to-pip/>
13. <http://www.bbc.co.uk/news/uk-41722225>
14. <https://dpac.uk.net/2015/04/new-study-finds-workplace-hell-for-disabled-workers/>
15. <https://www.scope.org.uk/Scope/media/Images/Publication%20Directory/Current-attitudes-towards-disabled-people.pdf?ext=.pdf>
16. <https://www.scope.org.uk/media/disability-facts-figures>
17. <https://www.theguardian.com/society/2016/feb/27/false-benefit-fraud-allegations>
18. <https://www.enei.org.uk/resources/reports/disability-a-research-study-on-unconscious-bias/>
19. <https://www.scope.org.uk/Scope/media/Images/Publication%20Directory/Current-attitudes-towards-disabled-people.pdf?ext=.pdf>
20. <http://www.autism.org.uk/get-involved/media-centre/news/2016-10-27-employment-gap.aspx>
21. <https://www.time-to-change.org.uk/mental-health-quiz>
22. <https://www.scope.org.uk/Scope/media/Documents/Publication%20Directory/Let-s-talk-improving-conversations-about-disability-at-work-Scope.pdf>
23. <https://www.tuc.org.uk/sites/default/files/DisabilityandEmploymentReport.pdf>

All TUC publications can be provided for disabled readers in an agreed accessible format, on request, at no extra cost. This publication is also available in Welsh.

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