
A future that works for disabled people
TUC briefing
January 2014

Trade unions and Disabled People fighting austerity

Introduction: resisting a relentless attack

Trade unionists know that the coalition government's attack on the welfare state continues and ministers threaten more years yet of austerity policies. The cuts imposed since 2010 have brought massive suffering to millions of people. Disabled people are among the very worst hit. But opinion polls continue to show that the government's disgraceful and divisive rhetoric, backed up by non-stop propaganda from tabloid newspapers, has convinced a majority that people forced to claim benefits are idle scroungers. The impact of benefit cuts and of the associated campaign of demonization of disabled people has been catastrophic, not least in encouraging hate crime.

But it is not all gloom. Disabled people themselves have organised an inspirational campaign of resistance and have made alliances with trade unions. Disabled people have taken part in all of the national trade union protests against government policy and have organised their own spectacular events.

If the government attack is to be defeated, it is vital to win public backing for an alternative – and that alternative has to include a future that works for disabled people, whether in work, seeking work, or not able to work and therefore requiring support. That is a major challenge for trade unions.

This briefing sets out a summary of the facts to enable trade unions to challenge government and media lies, and suggests ways in which unions can work with disabled people to promote an alternative.

Part one: the attack

The real picture on employment

There is a large **employment gap** (30 per cent) between the proportion of disabled people in work and the proportion of non-disabled. This gap was getting progressively smaller (official statistics) between 1998 and 2008. Recession and mass unemployment brought the progress to an end, although (for the first time in history) the gap has not then worsened.

Government plans for continuing job losses in the public sector (where a higher proportion of disabled people work) mean there is no prospect of improvement. Among disabled people who do have jobs, a much higher proportion than non-disabled people

work part-time, and in lower-paid jobs, and there is also underemployment.

Will the private sector pick up disabled workers made redundant? The government itself admitted (July 2013) that employers' attitudes were a major barrier to disabled people getting jobs. Research by the Equality and Human Rights Commission found that more than half of employers were ignorant of the Equality Act's ban on asking pre-employment questions on health and disability (except in certain circumstances) so the chances of anyone with a visible impairment, or with a mental health condition, are poor where an employer has a choice of non-disabled applicants.

The option of **supported employment** for thousands of severely disabled people previously working there has all but disappeared. The DWP has tried to put a positive spin on figures showing that of 1,795 workers made redundant when **Remploy** factories closed after March 2012, 535 were back in work, but 790 were still unemployed (October 2013) and 469 had dropped off the radar.

The government's **Work Programme**, announced with great fanfare as the way to get disabled and long-term unemployed people into work, is not working. The programme, run for DWP by for-profit companies, placed just one person in 25 into a proper job after a year on the scheme (DWP, September 2013).

The government said that the money that subsidised Remploy factories would be better spent expanding the **Access to Work** scheme, which funds adjustments to assist disabled people obtain or retain jobs. Access to Work is a good scheme and it ought to be expanded, although not at the expense of destroying real jobs for disabled people facing serious obstacles to finding alternative employment. The government has re-directed £15m over three years but in the year 2012-13, the same number of people had been helped by the fund as the year before, which was itself fewer than in 2010-11 (DWP statistics), while capping of AtW grants seems to be impacting on Deaf workers' ability to employ suitably experienced interpreters (2013).

Work Capability Assessment: a killer?

Although government research confirmed that a major barrier to disabled people finding work was the attitude of employers, ministers continue to act as if the problem is the disabled person.

Disability campaigners focus much of their anger on ATOS Healthcare, the company running the Work Capability Assessments - but responsibility lies with government ministers.

Thousands of deaths have been linked to WCAs.

Every week brings a new horror story of someone declared fit for work by ATOS assessors, suffering an immediate loss of benefit, then dying (for example, from terminal cancer) a few weeks later; of people summoned to assessments in buildings they cannot access; of bringing medical reports from their GP which are ignored in the assessment. More than 40 per cent of appeals continue to succeed, but they take months while the victims can be plunged into poverty. DWP denies that the WCA operates targets but research (and whistle-blowers) suggest that administrative action is taken against staff who allow more than 35 per cent of claimants to retain their benefit.

The WCA is particularly tough for people with **mental health** conditions. In May 2013, two mental health campaigners won a court ruling that the WCA discriminated against them and breached the Equality Act. The DWP has lost its appeal against the ruling (December 2013).

Between January and November 2011, 10,600 WCA claims were ended and a date of death was recorded within six weeks. No wonder the DWP has stopped publishing this particular statistic.

The WCA has been denounced by disabled people's organisations, disability charities, Citizens Advice Bureaux and law centres, the BMA, trade unions, and the Labour Party. Appalling cases of wrong decisions have attracted coverage in local press and in nationals like the Daily Mirror and questions have been raised in Parliament.

The bedroom tax

Thanks to vigorous campaigns by the people affected, and national uproar when United Nations special investigator Raquel Rolnik called for its abolition (September 2013) after talking to people affected by it, everyone has heard of the bedroom tax (the

government's "spare room subsidy"). There are particular issues for disabled people who are not able to share a room with a partner because of their impairment, or who need a spare room for a disabled child, or for a carer, or to store a wheelchair or other equipment. A legal challenge won a ruling that the law had to be changed to allow for disabled children, although this had still not happened a year later, but rejected a claim by disabled adults. This has been appealed.

The bedroom tax also creates the real threat of homelessness with particular impact on disabled people.

DLA, PIP and UC: more driven into poverty

Disability Living Allowance is being transformed into the laughingly called **Personal Independence Payment**. DLA was designed to provide for the *necessary additional costs* that disabled people incur, that non-disabled people don't face. The change to PIP is designed to save one billion pounds – money currently spent by disabled people to allow them to do things that non-disabled people take for granted. Much is actually spent on basic necessities.

Government propaganda ignores the fact that 20 per cent of DLA goes to disabled people who are working but whose income is so low that they must have a DLA top-up to survive (2012 figures).

A key element of DLA was the mobility payment. A big change to eligibility criteria is depriving 428,000 people of this – despite a "consultation" forced on the DWP by a court ruling that found almost no one among 1100 responses supporting their proposal, the government will do it anyway (October 2013).

The lowering of a disabled person's mobility criteria will also lead many thousands to lose the opportunity of accessing a car leased from Motability.

The change from DLA to PIP through reassessments running up to 2018 is driving *half a million* disabled people further into poverty and loneliness. People given lifetime awards because their condition will not change will also be reassessed. ATOS Healthcare won a £400 million contract to administer the reassessments – reason to be very afraid.

When **Universal Credit** will finally happen is uncertain, following the disastrous failures of the IT systems piloted so far, but when it

does, while some people may be better off, it is certain – as established by an enquiry commissioned by Baroness Tanni Grey-Thomson – that thousands more will suffer.

Independent Living: a rare victory

Getting disabled people out of institutions and supported to live independently was a major triumph won by disabled people themselves, and the right to independent living is now enshrined as one of the principles in the United National Convention on the Rights of People with Disabilities (UNCRPD). The government tried to close the Independent Living Fund (ILF) to new applicants and intended to transfer responsibility to local authorities – where massive cuts have been made and will continue to be made. But government's plans were judicially reviewed by a group of disabled people who (November 2013) won a final ruling that the closure must be stopped. Unusually, the government has decided not to appeal: a rare victory entirely down to disabled people fighting back. But many other changes (to benefits and local authority services) are undermining independent living.

Health service cuts and mental health

The crisis in health service funding particularly impacts on disabled people with mental health conditions. Every survey has confirmed that there has been an epidemic of stress-related illness in the workforce and many of those affected lose their jobs and need medical help. Despite the increase in demand, a BBC/Community Care survey found 1700 mental health beds closed since 2011 and wards at 100 per cent capacity. Treating people through community MH services is sometimes a better course but NHS reorganisation is impacting badly here too.

Mental ill health will affect 23 per cent of the population at some point in their lives, at immense cost to the individual, their families and to society. The solutions - early intervention and integrated care – are obvious but austerity and government policies are making the problem worse, as are job insecurity and stigma and prejudice by management and colleagues.

Disabled people hit everywhere

According to government ministers, disabled people have never had so much government support. This is a lie.

The Spartacus Report uncovered how DWP announcements on consultation responses are being deliberately distorted and in October 2013 Duncan-Smith was found yet again feeding a misleading story to the press that the government's **housing benefit cap** was working in moving people back into work (the actual figure was 4 percent with no evidence of any link with the cap).

Lots of people are suffering from austerity but disabled people are *a/ways* in the list, and frequently at the bottom of the pile. Cuts to **Legal Aid** make it harder to challenge bad ATOS decisions and the introduction of fees for Employment Tribunals reduces access to justice for workers. The continuing crisis in **social care** hits both disabled people and carers (often themselves disabled people) and has a big impact on disabled workers. Changes in **transport** - the closure of ticket offices and the withdrawal of station staff, reductions in rural bus services - might undo the progress being made (at last) to make public transport accessible. Taxicard journeys have been reduced, as have free passes for mental health service users in some boroughs.

Hate crime ... who is responsible?

Ministers denounce hate crime against anyone, including disabled people. But there is strong evidence to link the media attack on people on benefits to an increase in attacks against disabled people. Surveys show that press stories have led many people to believe, wrongly, that most benefit claimants are fraudulent scroungers. Who gives them the data? The DWP. The Crime Survey showed 62,000 disability hate crimes in 2012/13. Only 1,800 were reported to police. Some disabled people are threatened or bullied every day of their lives (especially people with learning difficulties). Some are murdered because they are different, and some parts of the judicial system have yet to realise the seriousness of the offence, adding to distrust by disabled people and failing to impose deterrent sentences on offenders.

Part two: fighting back

A big challenge for unions

The government response to all criticisms of their “reforms” is to say the system is being improved, and it is necessary to tackle the benefits bill. The trade union response must be: was it the poor – and in the case of many disabled people, the very poor – who caused the problem, or was it the bankers?

But a majority of people believe government lies about people on benefits and while that continues, government policy will not change.

The challenge for unions, working alongside disabled campaigners themselves, is to turn this situation around. The TUC works at a national level to dismantle this false picture.

The slogan of the disabled people’s movement – nothing about us without us – is an essential starting point. A union’s own disabled members constitute a vital resource in informing and advising on policies and actions.

The key to changing public opinion is at local level, talking directly to people, promoting an alternative message about disabled people within the trade union movement’s overall campaign against austerity.

The Equality Act 2010, although weakened by government action, retains the important “**public sector equality duty**” that requires public sector employers and service providers to give “due regard” to the need not to discriminate against any protected group, including disabled people. Although the requirement to carry out an equality impact assessment has been abolished, public bodies still need to produce evidence that they have consulted, and that they have considered how to mitigate negative consequences of their proposed actions. Many of the legal challenges mentioned in this briefing have been judicial reviews based on the equality duty of the Equality Act.

Here are some further suggestions:

- Discuss the issues raised in this briefing on regional councils, trades councils, at branch meetings;
- Use the union’s own disabled members’ structures as a key resource;

- Invite a speaker from the TUC Disabled Workers' Committee
- When planning actions against austerity, make sure to seek out and liaise with campaign groups such as Disabled People against the Cuts (DPAC);
- Make sure that the truth about disabled people is promoted from every platform – and make sure that any meetings are arranged with full access;
- Use literature aimed at union members to promote the truth about disabled people and benefits – many union members have fallen for the tabloid press's relentless demonization;
- Where possible, promote disabled activists as your spokespeople;
- Try to get the truth out using local media; this can be critical in reaching many more people.
- Make full use of social media.
- It is very important to make sure that your campaign events are fully accessible to disabled people. The best way to achieve this is to involve disabled people (the union's own disabled members are a good starting point) in the planning.
- Ensure that the union stands up for disabled workers facing discrimination in the workplace whether this is through misuse of sickness absence procedures where an absence was related to disability, or unfair selection for redundancy, or failure to provide proper adjustments enabling the worker to do the job. All these are legal obligations – but they often have to be fought for.

In conclusion

Millions of disabled people are being hammered by the government, but some are fighting back. If trade unions are to act as a beacon of hope for society and to win people over to a future that works, disabled people must be part of that movement.

Resources

Disabled people's campaigns

Disabled people against the cuts: www.dpac.uk.net; and
Black Triangle Anti Defamation Campaign in defence of Disabled Peoples' Rights: www.blacktrianglecampaign.org.

Disability Hate Crime Network (DHCN): A group led by disabled people to highlight and campaign for improved institutional responses to crimes motivated by hatred of disabled people and to signpost those affected. (www.dhcn.info).

Spartacus: info@wearespartacus.org.uk.

Information on the impact of cuts

False Economy: <http://falseeconomy.org.uk>

Information on welfare reform

Disability Benefits Consortium: www.disabilityalliance.org

This website links to the sites of all 40 member groups, where each group's own material is to be found. The DBD produced the results of a survey of disabled people, entitled *Benefiting disabled people?* in Spring 2011.

Trade union advice

Disability and Work is available free of charge from TUC Publications, Great Russell Street, London WC1B 3LS or can be downloaded from the disability pages on the TUC website, www.tuc.org.uk.

The TUC publishes advice on dealing with mental health issues at work, *Representing members with mental health issues at work*, also free to unions from TUC publications.

Other relevant information

Information on the Equality Act 2010 is available from the Equality and Human Rights Commission, www.equalityhumanrights.com