



TUC Disabled Workers' Conference 2014

Report of the Disabled Workers' Conference 28-29 May 2014

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Section one

Disabled Workers' Conference report

In the chair

The conference was chaired by Mandy Hudson, Kim Silver, Seán McGovern and Tony Sneddon.

Conference attendees

Conference was attended by 207 delegates from 25 trade unions, 13 visitors, 9 observers, 5 exhibitors and 1 media.

Appointment of tellers and scrutineers

The following were appointed as tellers and scrutineers:

Krishna Lakhani	Accord
Eric Souter	USDAW
Ken Wheatley	ATL

Chair's Address

Chair of the Disabled Workers' Committee, Seán McGovern, addressed conference on Wednesday morning.

Assistant General Secretary's Address

Paul Nowak, Assistant General Secretary, TUC, addressed conference on Thursday morning.

Guest speakers

Kate Green MP, Janine Booth (RMT), and John Coghlan (Disability Action, Belfast), addressed conference.

Informal session

John McDonnell MP, Ellen Clifford (Disabled People against Cuts) and Gabriel Pepper (campaigner for the Independent Living Fund) led an informal plenary session on disabled peoples' resistance to austerity.

Section two

Resolutions carried

1 Zero Hours and Disabled Workers

Conference is concerned about the increased use of zero hours contracts and the effect they have on disabled workers who work in public services. Disabled workers who are loyal and hardworking have never faced such tough times as they do today. We are seeing more and more employers implementing these types of contracts which are basically employing workers on the cheap, without any thought on how people are meant to manage their lives.

Zero hour contracts are an example of poor employment conditions, as they create insecurity, poverty and fear. Disabled workers on zero hours contracts are less likely to have any career progression, or contribute to a pension scheme. This means they face a miserable future which may be reliant upon benefits, food banks and legalised loan sharks, companies who lend money with extortionate interest rates to the most vulnerable, even though they know they struggle to pay it back.

Conference calls upon the TUC Disabled Workers Committee to vigorously campaign;

- i) against the use of zero hours contracts, so that they do not become the norm for workers employed in public services; and
- ii) for full employment rights for those members who are currently on zero hours contracts.

Proposed: UNISON

Seconded: Unite the Union

2 Resisting the Attack on Disabled People

Conference deplores the government's continuing assault on disabled people. The "reform" of welfare benefits means:

- The continuation of the Work Capability Assessments administered by ATOS for the DWP, leading to many wrong decisions and significant loss of benefits for many disabled people unable to work;
- The change from Disability Living Allowance to Personal Independence Payment designed explicitly to remove payments from thousands of disabled people;
- The impact of the "bedroom tax", cut in legal aid, the cap on housing benefit and many other cuts on people already living on the breadline;
- The closure of Remploy factories leaving disabled people previously employed in properly paid manufacturing jobs without work.

Conference condemns the government's imposition of a cap on welfare benefits and the Labour leadership's support for this; and congratulates those Labour MPs who voted against it.

Conference welcomes the campaigning by disabled people themselves against these attacks, congratulates Disabled People Against the Cuts (DPAC) for its high-profile activities and its solidarity with Remploy workers, and calls on the TUC to:

- i) highlight the negative impact of government policy on disabled people both in and out of work;
- ii) encourage trade union branches to give active support to local campaigns by disabled people, especially those led by disabled people themselves; and
- iii) lobby Labour Party to reverse these measures when in Government.

Moved: GMB
Seconded: RMT

Emergency Motion 2 Save the Independent Living Fund

Conference notes the appalling decision on the 6th March 2014 by the CONDEM Government to close the Independent Living Fund in June 2015.

Conference applauds the disabled people who challenged the closure of the ILF in a judicial review in November 2013 who won a final ruling against the closure.

Conference believes the government has shown a complete disregard for disabled people and the Court of Appeal decision, the closure of the Independent Living Fund will have a catastrophic impact on disabled people.

Conference notes that the Government has abdicated its responsibility for independent living to local authorities without ring-fencing funding.

Conference calls on the TUC:

- i) to campaign against the closure of the Independent Living Fund;
- ii) to distribute the Save the Independent Living Fund campaign postcards to unions, MPs and build the campaign through the TUC social media networks;
- iii) to write to local authorities outlining our opposition to the closure of the fund and call on them to make contingency plans to provide a decent level of care, support and independent living to disabled people; and
- iv) to expose the failure of the Government in delivering the right to independent living in the forthcoming UNCRPD in the shadow report.

Proposed: Unite the Union

Seconded: GMB

3 Supporting Disabled Members

Conference is appalled at the continued attack on the welfare state and support for disabled people and their families. Politicians and newspapers on the right would have us believe that people in receipt of disability benefits are untruthful, lazy and workshy. Conference reaffirms its opposition to this sustained, ideological attack on disabled people. Millions of disabled people are in paid work and where not this is in large part due to discrimination and a widespread failure by employers to make reasonable adjustments. Furthermore conference notes that some disabled people cannot work either in the short or long term because of their disability. The State has a responsibility to lift them out of poverty and ensure they can live meaningful and independent lives.

Conference applauds the work already being carried out by the TUC and affiliates to give a voice to disabled workers.

Conference calls upon the TUC to:

- i) continue to be an effective voice for disabled people at the sharp end of Government attacks which are likely to intensify in the run up to the next election; and
- ii) support the work affiliates are doing to raise awareness amongst members of the facts about disability benefits and the welfare state.
- iii) To support the campaign to save the Independent Living Fund and publicise EDM1234 and circulate the HM government e-petition to ensure the 18,000 plus users of the fund continue to live meaningful and independent lives.

Proposed: Union of Shop, Distributive and Allied Workers

Seconded: PCS

4 Single Assessment for Disability Benefits, Services and Schemes

Conference calls on the government to stop the endless round of assessments that currently confront disabled people and to introduce a single assessment that is transparent, fair, portable and covers all aspects of disability needs from employment through to social care and support.

Claiming disability benefits and services in the UK is both challenging and frustrating for those faced with a barrage of tests and assessment in order to access benefits and services.

Conference opposes the discredited Work Capability Assessment (WCA) for Employment Support Allowance. Conference believes the new testing for the Personal Independence Payment will be unfair.

There are also assessments for local authority social care packages; Access to Work; social housing provision; the Blue Badge; concessionary Freedom Passes, and Taxi Card schemes, the size of the problem is self-evident. Access to work has started restricting support for deaf workers requiring interpreters by imposing limits on how it funds interpreters and the arrangements it will fund. All this is to reduce cost and is threatening deaf workers' ability to work.

Most of these benefits, services and schemes operate different qualifying criteria.

TUC Disabled Workers conference resolves to campaign for:

- i) a fair and transparent assessment that operates within the social model of disability;
- ii) a single assessment for all available state and local authority benefits, services and schemes; and
- iii) portability of said benefits, services and schemes without the worry of constant reassessment and drawn out appeals.
- iv) The changes to Access to Work to be reversed through trade

union action and supporting existing campaigns.

Proposed: **Unite the union**

Seconded: **University and College Union**

5 Stop the Silence and Stigma

As pressures on public and private sector workers increase, so do incidents of work-related stress, which may develop into mental health issues. Unfortunately there is still a culture of silence and stigma, as people are often too embarrassed to admit that stress and/or mental health issues are affecting them.

Conference notes with concern recent Unions 21 survey data which found only one in 10 workers would be comfortable talking to their employer about a mental health issue and one in five said they would be very uncomfortable. If they are brave enough to confront such issues and seek help in the workplace and there isn't a trained union rep, they may be dealt with in a way that lacks empathy and provides little, if any, support or actual help.

Conference is concerned that with the increase in performance-related pay, it is becoming more difficult for workers to seek help, as their absence from work or reduction in output may count against them in appraisals and attendance reviews. Thus disabled workers are effectively penalised twice; by poor health and by frameworks that may fail to take account of their needs.

Conference calls on the TUC and affiliates to:

- i) speak out against discriminatory views and practices in relation to those with mental health issues;
- ii) campaign for parity of respect and treatment for those with mental health issues; and
- iii) campaign for statutory rights for equality reps.
- iv) support union representatives to negotiate and secure effective workplace policies on mental health.

Whilst welcoming the excellent TUC guidance on representing

and supporting members with mental health problems at work, Conference calls on the TUC Disabled Workers' Committee to consider further measures to support workplace reps. This may include, for example, a national seminar to facilitate the sharing of experiences and good practice.

Proposed: Association of Teachers and Lecturers

Seconded: Community

Supported: Prospect

6 Cuts to Mental Health Services

Conference notes with dismay the results of a recent Health Service Journal (HSJ) survey, which shows that the NHS is very far from delivering equal access to mental health and physical health services. Unsurprisingly, respondents raised inadequate funding, lack of integration and poor commissioning as key problems.

These problems are exacerbated by the current climate of austerity which in turn impacts on the mental health of targeted and vulnerable groups including disabled people. The BBC reported recently that mental health trusts in England have had their funding cut by more than 2% in real terms over the past two years. Services are stretched to breaking point, which means that people are not getting the help they need in a crisis.

Those in need of acute and crisis care often cannot find a hospital place and emergency helplines are overwhelmed. The differing roles of local authorities and the NHS often means that navigating this system when most in need, is difficult'

Currently, patients with a serious mental illness can expect to live up to 18 years fewer than the national average.

Conference urges the TUC and affiliates to:

- i) campaign for improved training on mental health for healthcare students;

- ii) raise awareness among union members and reps of the importance of equality of access to well-funded mental and physical health services;
- iii) continue to campaign on mental ill health as a workplace issue; and
- iv) campaign for a seamless service and more safe and appropriate environments and staffing levels to give the care required.

Proposed: Chartered Society of Physiotherapy

Seconded: TSSA

Supported: University and College Union

7 Disability-related workplace bullying and harassment

Conference is deeply concerned about the Coalition Government's programme of deregulation, erosion of employment rights and trivialisation of equality legislation, which allows workplace bullying and harassment to flourish and leaves disabled workers and others with protected characteristics particularly vulnerable.

Conference condemns the Coalition Government's use of the economic climate to mask its ideological assault on the rights and entitlements of working people, including those with disabilities.

Conference notes with alarm findings from the NASUWT's Disabled Teachers' Conference that 87% of disabled teachers have experienced some form of bullying and harassment in their careers.

Conference asserts that explicit guidance is needed from government on tackling workplace bullying and the harassment of disabled people, particularly arising from the misuse of sickness absence policies and capability procedures and from unequal access to promotion and career development.

Conference calls upon the TUC to:

- i) research and raise awareness of the workplace bullying and harassment of disabled people;
- ii) assist its affiliates to ensure that union representatives and members are able to identify disability related bullying and harassment when they occur, and know how to deal with them when they arise; and
- iii) continue to campaign against the Government's attacks on the employment and equality rights and entitlements of disabled workers.

Proposed: NASUWT

Seconded: FDA

8 Mapping Disabled People in the Workplace

Conference recognises that the trade union movement currently experiences great difficulty in providing accurate data to illustrate how many disabled workers there are in the labour movement. This is underlined by the fact that any information around disability is provided at the discretion of the individual.

Conference acknowledges the importance of trade unions knowing the intricate fabric that is the demography of union membership. Conference understands that the most comprehensive data held around workers with disabilities is likely to be held in data collated by employers' occupational health service providers. Clearly there will be sensitive issues around data protection.

Conference notes many workers are afraid to inform their employers of their disability as they fear discrimination and possible redundancy.

Conference calls on the TUC to issue guidance on the Social Model of Disability and raise awareness of members' changing circumstances throughout their working lives, to self-identify as disabled workers and involve them in the disabled workers movement.

Proposed: Communication Workers Union
Seconded: Equity
Amendment proposed: Unite the Union
Seconded: Unison

9 Work Choice programme

Conference welcomes the continuing success of Work Choice in supporting disabled people to find sustained employment, although recognises that there is still a long way to go to reduce the unacceptable unemployment levels of disabled people. Conference further notes the failure of other government initiatives to secure sustainable employment or to fully understand the different needs of disabled workers. Conference is seriously concerned that the Work Choice programme is scheduled to end in 2015, with no plans as to what might replace it, in the context of a coalition government intent on attacking and shrinking social security benefits and cutting jobs of disabled people at Remploy. Conference recognises the importance of Work Choice funding in sustaining the jobs of thousands of disabled workers and in particular acknowledges its integral part in supported employment business models.

Conference therefore calls on the TUC Disabled Workers' committee to lobby the government for the continuation of the Work Choice programme beyond 2015 and to work with all political parties to develop policy for the continued support and funding that provides the opportunity for disabled workers to find sustainable employment, including in supported employment workplaces.

Proposed: Community
Seconded: GMB

10 Sickness absence management when relating to a disability

The POA are very concerned at the increasing use of capability hearings to dismiss disabled workers within NOMS.

The POA believe that capability hearings are inappropriate as 90 percent of the time reasonable adjustments are not being put in place to support individuals who have disabilities. We further believe by simply listening to and supporting an individual's request for reasonable adjustment, most workers within NOMS with a disability would be able to undertake their normal duties.

NOMS gives the impression that they actively encourage managers to ignore disability reasonable adjustment requests and in most cases staff are dismissed without even looking at these.

We believe that the resources used for capability hearings could be better spent in supporting NOMS staff with disabilities.

The POA call upon conference to bring pressure on the Ministry of Justice to stamp out this practice of inequality and bullying within NOMS through complying with its legal duty under the Equality Act to apply reasonable adjustments and to carry out its Capability procedure in a non-discriminatory fashion.

Proposed: POA
Seconded: FDA

11 Disability Discrimination Appraisal and Performance Systems

Conference recognises that, used positively, appraisal and performance systems can support development of individuals and their career. However, Conference is concerned that these systems are increasingly being used to manage people out of work and this has a significant impact on disabled workers. In addition, if disabled workers consistently receive low scores they will lose out where there are discretionary-based pay systems, or payments linked to productivity, and in promotion and training opportunities.

Discrimination against disabled workers may also occur where they have been marked down in their appraisal and performance review for a reason related to their disability, e.g. not meeting their targets due to the absence of a reasonable adjustment.

Conference calls on all affiliates to:

- i) provide negotiators and representatives with guidance on ensuring that appraisal and performance systems do not discriminate against disabled workers;
- ii) ensure that employers are aware of their duty to make reasonable adjustments in relation to the operation of their appraisal and performance systems;
- iii) press employers to adequately train line managers to avoid discrimination in the conduct of appraisals; and
- iv) ensure that employers monitor the application of their systems, sharing outcomes with unions and employees.

Proposed: Prospect

Seconded: FDA

12 Transport cuts

Conference deplores the closure of ticket offices throughout all transport networks and the attacks on rural bus services. For public transport to be fully accessible to disabled people, it must be adequately staffed as well as made more physically accessible.

For example, London Underground's plan to remove nearly 1,000 station staff posts will make access to London Underground even more difficult for disabled people. We note that London Underground's own Equality Impact Assessment admits that its plans will have a negative equality impact on disabled people. We note opposition to these plans from disabled people's organisations, including DPAC, Transport for All and Autistic-UK. Conference also notes this is in direct conflict with the measures proposed in the DFT report which proposed that train and bus operators would work to reduce the booking time and this needs staff. This Conference further notes that these cuts achieve only 6 percent of the spending cut imposed on Transport for London.

Conference calls on the Labour Party to make the reversal of the 12.5 percent cut in funding to Transport for London a manifesto commitment.

We fully support the industrial and political campaigns by RMT and TSSA to stop all cuts to public transport.

Conference supports public ownership of the public transport system, its expansion, full integration and rational planning. There should be a specific legal duty on all providers of public transport to provide a service that meets the needs of disabled people.

All public transport should be free to disabled people and their accompanying carers without time of day restrictions.

We resolve to fight any further cuts, which threaten to reduce disabled access to public transport and make accessibility improvements even less likely both here in the capital and across the country.

Proposed: RMT

Seconded: TSSA

Supported: Unite the Union

13 The new curriculum and disabled pupils

Conference is appalled that the Children and Families Bill 2013 contains a litany of (illusory) promises for disabled pupils and their families.

Those working in education face a worsening cycle of unrealistic expectations, insulting accusations of institutional failure and Government pronouncements that privatisation is essential for improved 'outcomes'. Reforms have taken no account of the impact on disabled pupils. In addition, the Government's current special educational needs reforms and law changes threaten the capacity of schools and colleges to maintain and extend inclusive provision for disabled children and young people.

The Government is wilfully ignoring that their education policies are making it harder for disabled pupils to access the curriculum. The new National Curriculum is overly focussed on content and has an excessive emphasis on committing information to memory and accumulating knowledge, at the expense of the development of skills and creativity. This will make progress significantly harder for some disabled children.

Conference cannot support the draft SEN code of Practice, especially the removal of the principle of inclusive education.

Conference calls on the TUC to highlight, at every opportunity, the significant and negative impact of the Government's current education policies on disabled pupils, policies which will undermine inclusive practices.

Proposed: National Union of Teachers

Seconded: NASUWT

Emergency motion 1 Oppose cuts to Disabled Students Allowance

Conference notes the Government's decision to make cuts in the provision of Disabled Students Allowance (DSA) in higher education. It will have an impact on all disabled students including cutting funding for vital equipment for the largest single group of disabled students, those with specific learning difficulties. The Government's aim to "modernise" DSA by moving responsibilities onto individual institutions will put pressure on university student support budgets, particularly for those who have proactively recruited disabled students. Since its introduction DSA has helped thousands of disabled students get to university. Evidence shows that disabled students in receipt of DSA are "much more likely" to continue their course than other students who are not disabled. This move, along with the decision to close the Access to Learning Fund in England, removes further support for people from poorer backgrounds who wish to enter higher education.

Conference calls on the TUC to:

- i) publicly oppose the cuts and raise awareness across trade unions, appropriate sector bodies and the public; and
- ii) urgently approach the National Union of Students and organisations of disabled people such as Disabled People Against Cuts to mount a joint campaign to reverse these cuts.

Proposed: University and College Union

Seconded: NASUWT

14 Global campaign for education

It is estimated that globally, 1 in 20 children under 14 years are disabled. Disabled children are much more likely to not be in education than any other group. Lack of access to education robs children of the benefits of an education but also other rights such as better access to jobs, health and other services.

The UN Convention on the Rights of People with Disabilities (UNCRPD) states that all disabled people have the right to independent living. Education is fundamental to enable disabled children to have a better and independent future.

The TUC welcomes the global campaign for education and its focus this year on disabled children. The campaign places demands on national governments to improve and provide education for all children. It also highlights the need for more specific action in international development goals which is lacking in the current Millennium Development goals.

In the UK we need to continue to resist the dismantling of our own education system from Sure Start to Higher Education and the disproportionate impact this has on access for disabled people to all levels of education.

The TUC disabled workers' committee must work to ensure:

- i) the UK's ratification of the UN Convention on the Rights of Persons with Disabilities results in action;
- ii) publication of the Global Campaign for Education and its demands;
- iii) affiliates prioritise this issue in international campaigns and encourage workplace reps to highlight the issue; and
- iii) disabled people's rights and demands are embedded in any post 2015 international development goals

Proposed: University and College Union

Seconded: Prospect

15 Equality monitoring of performers in publicly funded arts organisations

On its website Arts Council England (ACE) states “We will forge a new relationship with the arts sector on issues of diversity and equality, characterised by shared discourse and the sector taking the lead with our support, facilitation and, where appropriate, provocation.” One of the BBC’s stated aims is to “advance equal opportunities to diversify and develop our workforce and our senior leaders so that they better reflect our audiences.”

Yet stages and screens fail to reflect the diversity of the UK’s population. Direct and indirect impact of universal credit, the inaccessibility of workplaces like studios and theatre, and the absence of an acknowledgement of the social model in the arts industry provides large challenges to disabled performers having equal access to work. Given these challenges along with ACE and BBC’s stated commitment to equality it is imperative that they and, in the case of ACE, the arts organisations it funds conduct equalities monitoring to ensure that they meet their duty to public and fulfil their commitment to an equalities agenda.

Conference calls on the TUC Disabled Workers Committee to

demand, alongside Equity, a commitment from ACE and the BBC to institute transparent equality monitoring of performer employment.

Proposed: Equity
Seconded: Musicians' Union

16 Better accessibility for live entertainment venues

Conference notes that accessibility issues for disabled people at live entertainment venues is still a major problem for audience members and entertainers.

The charity “Attitude is Everything” works to improve Deaf and disabled people’s access to UK music venues, and their recent “State of Access” report examines views and approaches to access across the industry and sets out recommendations to ensure that all venues follow best practice.

Conference calls on the TUC to encourage live entertainment venues to work with “Attitude is Everything” to ensure that they are doing everything possible to provide reasonable access to disabled people.

Proposed: Musicians' Union
Seconded: Equity

17 Ethical journalism for disabled workers

Conference welcomes the 2012 Leveson report proposals on press regulation.

While Conference is disappointed that the report did not tackle media ownership or promote alternative forms of media ownership, it affirms that the Leveson proposals would contribute to improving ethical journalism and access for disabled people and organisations and other discriminated against groups and workers, frequently negatively targeted by sections of the media.

Conference condemns newspaper publishers and editors attempts to avoid instituting these proposals, pretending they are defending a free press, and proposing an alternative press regulator which would take only limited third party complaints, refuse to allow journalists to be involved in the code committee, and would avoid setting up an arbitration panel offering cheap and easy public redress.

Conference believes that the best means of ensuring journalism is compliance with the NUJ Code of Conduct which can best be achieved with 100 per cent union membership.

Conference urges the General Council to continue to campaign for a regulator independent of politicians, editors and publishers; accepts third party complaints; has journalists and members of the public on the code committee, includes a conscience clause and has an arbitrator that will allow affordable access to justice.

Proposed: National Union of Journalists
Seconded: Equity

18 Adverse impact of digitalisation

Conference condemns the increasing use of digitalisation to make public services inaccessible for disabled people and further marginalize their existence.

The removal of face to face services in favour of telephone helplines and online only services can have a significant impact on disabled people, especially those with mental health impairments. Conference is also concerned at reports that public service cuts are leading to a reduction of the availability of documentation in accessible formats. The closure of HMRC enquiry centres, changes to vehicle licensing, land registry and on-line only application forms are some examples of where the needs of disabled members are placed below cost savings. Public sector workers face huge job cuts as a result of these moves.

Conference notes that in the transport industries, digitalisation and automation are leading to ticket office closures and staffing cuts, which are making public transport less accessible to disabled people. For public transport to be fully accessible, disabled and other passengers need the opportunity to get face-to-face assistance from staff.

Conference recognises that poverty is often a major factor in accessing on-line services with the costs of hardware, line rental and broadband being too expensive for those on low pay or benefits.

Conference 2012 agreed that government funding should be available to disabled people for internet and broadband.

The TUC Disabled Workers' committee is instructed to campaign:

- i) for public services to provide the option of drop-in face to face services and to ensure all information continues to be available in accessible formats;
- ii) to publicise legal challenges to online-only transactions;
- iii) to ensure digitalisation policies do not discriminate against disabled people; and
- iv) for government action and funding to reduce the digital divide.

Proposed: Public and Commercial Services Union

Seconded: RMT

Section four

Election results

The following were declared elected to serve on the TUC Disabled Workers' Committee 2014-15:

Section A (14 places)

Janine Booth	National Union of Rail, Maritime and Transport Workers
David Chrimes	FDA
Ann Galpin	National Union of Journalists
Mandy Hudson	National Union of Teachers
Martin Kelly	Bakers Food and Allied Workers' Union
Mark Leopard	Public and Commercial Services Union
Robert Mooney	Community
Lara Morris	NASUWT
Patricia Roche	University and College Union
Kim Silver	Unison
Tony Sneddon	Communication Workers Union
Robert Steadman	POA
John Swaney	Prospect
Cliff Towson	Chartered Society of Physiotherapy

Section B (one place)

Julian Allam	Unite the Union
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Section C (one place)

Manjeet Sandhu	Unite the Union
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Section D (one seat)

Eleanor Lisney	National Union of Journalists
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Section four

Congress motion and vote of thanks

Motion 2, *Resisting the attack on disabled people*, was selected by conference for submission to TUC Congress 2014.

The vote of thanks was moved by Michelle Le Marinel (Unison) and seconded by Steven McGurk (Community).