



Disabled Workers Committee Report

to the Disabled Workers Conference 2017



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GLOSSARY OF ABBREVIATIONS USED

1 Disabled Workers Committee

The General Council was represented on the committee by:

Manuel Cortes

Seàn McGovern

Ged Nicholls

Nick Cusack

Malcolm Sage

The following were elected to serve on the Disabled Workers' Committee at the 2016 conference:

Section A (14 places)

David Allan	Unite the Union
Janine Booth	RMT
Lynda Carter	USDAW
Mandy Hudson	National Union of Teachers
Ann Galpin	National Union of Journalists
Mark Leopard	Public and Commercial Services Union
Carl Lewthwaite	GMB
Robert Mooney	Community
Patricia Roche	University and College Union
Lara Morris	NASUWT
Tony Sneddon	Communication Workers' Union
Amy Bishop	Prospect
Jane Perry	BECTU
Sian Stockham	Unison

Section B (black members) (one place)

Julian Allam	Unite the Union
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Section C (LGBT members) (one place)

Not filled

Section D (women members) (one place)

Marsha De Cordova

At the first meeting, Seàn McGovern (General Council) and Janine Booth (RMT) were elected as co-chairs. Alice Hood, Head of Equality and Strategy, served as Secretary until her maternity leave at which point her role was filled by Sam Gurney. Members of the Equality and Strategy Department working with the Committee during the year were Huma Munshi, TUC Equality Officer, and Carol Ferguson, Equality and Strategy Support Officer.

2 TUC Congress 2016

The 2016 TUC Congress took place in Brighton. The guest speakers were Luca Visentini, ETUC General Secretary, Angela Rayner MP, Shadow Secretary for Education, Women and Equalities, and Paddy Lillis as the fraternal delegate from the Labour Party.

The TUC launched its 'Reaching Out to Young Workers' programme and research report, showcasing key campaigns across the private sector, presented by young trade union activists.

Congress showed its support for the 'Save Our Steel' campaign by welcoming workers from the industry during the debate on this issue and providing a powerful photo opportunity for those workers.

In addition Congress received video presentations on current justice campaigns, the trade union equality audit and the union lay rep awards.

Disabled delegates

15.2 per cent of the 395 delegates who answered the question on disability disclosed they were disabled, up from 9.7 per cent in 2015.

Proportion of disabled delegates

	2016	2015	2014	2013	2012	2011	2010
%	15.2	9.7	14.6	12	6	9.4	7.7

Motion 70 was the motion from the 2016 Disabled Worker’s Conference. This urged congress to campaign to reform the Work Capability Assessments and noting its appalling links to rising mental health problems and suicide. This was the motion moved by Mandy Hudson and seconded by Sean McGovern from the TUC Disabled Workers Committee and carried unanimously.

Congress also debated motion 27 on hidden conditions. In the motion it was noted that the TUC had undertaken significant work supporting workers with invisible conditions, particularly those with atypical neurological conditions. It noted the barriers a person with hidden impairments faces. It called on affiliated unions to continue to raise awareness about the impact on workers affected by these conditions; help increase the understanding of managers and colleagues of the support needed and to continue to promote the social model of disability.

Sean McGovern, chair of the Disabled Workers Committee chaired a very well attended fringe meeting looking at the impact of the vote to leave the EU on equality rights. The speakers at the fringe were Alice Hood, TUC, Maria Exall, chair of the TUC LGBT Worker’s Committee Phyllis Opoku-Gyimah, PCS, and Kamaljeet Jandhu, Unite.

3 TUC Campaign Plan

The TUC's campaign plan was adopted at the 2016 Congress. The campaign plan sets out how the TUC will respond to events in 2016 in the context of the vote to leave the EU. This in the context of significant political change and where marginalised communities are particularly vulnerable to attack. Within the plan is a commitment to equality for women, BAME people, LGBT people and disabled people.

The TUC's campaign plan priorities are:

- i) Working people must not pay the price of the vote to leave the EU
- ii) Standing up for abandoned communities
- iii) Great jobs for everyone
- iv) Reaching out to young workers
- v) Building a stronger movement after the Trade Union Act

The Campaign Plan was presented to the Disabled Workers Committee and the committee agreed a set of priorities related to disability equality within the campaign plan themes. Updates on these priorities have been provided at each subsequent committee meeting.

4 The social model of disability

The Disabled Workers' Committee continue to campaign on disability equality. This is in line with motions 2 and 3 at the 2016 Disabled Worker's Conference. The policies adopted by the TUC on the advice of the Disabled Workers' Committee are firmly within the framework of the social model.

The TUC Manifesto for Disability Equality recognises that accepting the social model is fundamental to resisting government attacks and to changing negative attitudes to disabled people. The manifesto presents the main demands under a range of policy

headings. It has previously been circulated and is a tool for campaigning, including through articles in union press and in presentations. The social model of disability has also informed the TUC's response to the Green Paper on Work and Health and Disability.

Recent changes to the Personal Independence Payments have added to this public discourse, with the government depicting some disabled people as more deserving of support than others. The committee alongside the TUC firmly rejects this view. Unions have been encouraged to schedule discussion of the social model and its implications as the beginning of a process of mainstreaming disability equality.

5 Influencing government to address disability equality

Despite the challenging times politically, wherever the opportunity presented itself, the committee has used its influence to campaign for disability equality.

The government published its Green Paper on Work, Health and Disability. In its response the TUC stressed that the focus must remain on removing the barriers disabled people face when accessing employment or retaining work if they developed an impairment. This is line with motion 4 at the 2016 TUC Disabled Workers Conference on government disability standards. In the TUC response, there was also a focus on ensuring that disabled people get the right support, such as through Employment Support Allowance and other measures when they are unable to work. We restated that disabled people experience some of the highest levels of disadvantage which forces them further away from the employment market.

The TUC was also represented at a roundtable with the Minister for Disabled People, Penny Mordant. The TUC strongly put

forward the case that the government's aim to halve the disability employment gap must focus on removing the barriers disabled people face in work. In addition, the TUC noted that initiatives such as Access to Work must be more widely promoted to all employers. It was also noted that there needs to be strong political leadership to address the rhetoric of the "deserving" and the "undeserving poor" which marginalises and demonises disabled people who are unable to work.

6 Additional political engagement

At the 2016 Disabled Worker's Conference, through the chair of the Committee, Sean McGovern, the then Shadow Minister for Disabled People, Debbie Abrahams, facilitated a disability equality workshop. The workshop was an opportunity to get input from delegates at the conference to feed into Labour's disability equality policies. This was followed up by the chair of the committee after the conference. The chair has also met the new Shadow Minister for Disabled People, Marie Rimmer.

7 Disability and employment

Following on from motion 1 at the 2016 Disabled Worker's Conference on addressing the barriers disabled people face in the employment market, disability and employment has continued to be high on the agenda of the committee and the TUC. The TUC published a major report on disability and employment: www.tuc.org.uk/sites/default/files/Disability%20and%20employment.pdf

The government has repeated its intentions to halve the disability employment gap by 2020. However this has been in the context of forcing some of the most disadvantaged disabled people off benefits and into work.

The latest statistics on the employment rate for disabled people remains at below 50 per cent, at 47.2 per. The latest employment rate for non-disabled people is 80.3 per cent, and the average rate between 2008 and 2015 was 78.0 per cent. The TUC report calculated that by the end of this Parliament, assuming the current rate of change continues, only around a third of the government's goal would have been achieved (31 per cent).

More action is clearly needed if the government's objective of improving the employment position of disabled people is to be made a reality. The recommendations in the report included:

- i) Expansion and increased funding of the Access to Work programme to meet demand and promoting this more widely to employers
- ii) The Work Programme should be amended to create separate streams tailored to disabled people.
- iii) The £30 cut for new claimants to the Work Related Activity Group of the Employment and Support Allowance (ESAG WRAG) planned for April 2017 should be reversed.
- iv) The Work Choice scheme should be funded beyond 2017 and should tailored to provide for disabled people's needs.
- v) Employers should work with unions to create disability equality employment policies. This should cover disability related sickness absence; disability leave; confidentiality; flexible working; time off for medical appointments.
- vi) The government should work with unions and employers to create an inclusive environment where being disabled isn't stigmatised so disabled people are more willing to disclose their disability. This in-turn could make it easier for disabled people

to ask for adjustments. This could help to ensure people who develop an impairment whilst at work, stay in work.

8 Pay

Pay and progression were referenced in motion 16 at the 2016 Disabled Workers Conference. The TUC has continued to campaign for higher pay, and called for the creation of more stable, well paid jobs. An element of this was the work to promote the Real Living Wage. The number of employers signed up to this standard, which is calculated by the Living Wage Foundation, increased by 50 per cent last year, reaching 3,000 by the annual Living Wage Week held in November including more than 30 of the FTSE-100 companies and many smaller businesses, charities and public sector workplaces.

The TUC has also campaigned for better enforcement of the statutory National Minimum Wage and the government's "national living wage". Disabled workers are also entitled to the correct minimum wage

9 Disabled workers and accessible apprenticeship opportunities

High quality apprenticeships can be an opportunity to upskill workers and enable them to access sustainable employment opportunities. There are specific barriers disabled people face when accessing apprenticeship opportunities and unions can play a vital role in ensuring employers are removing these barriers.

From 2005–16 the proportion of disabled apprentices fell from 11 per cent to 9.9 per cent. The number of disabled people starting an apprenticeship increased in this period (up from 19,230 to 50,640) but this increase has not mirrored the much more rapid growth in apprenticeships among other groups.

The latest annual statistics using this measurement (for 2014/15) show that the proportion of completed apprenticeships by disabled people was only 8.0 per cent.

The government has set up the Maynard taskforce to increase apprenticeship opportunities for disabled people. The recommendations from the taskforce were to (i) reach an understanding of the issues and barriers that affect disabled people in accessing and completing an apprenticeship and (ii) identify solutions that could help overcome these barriers and raise participation levels.

With input and feedback from the disabled workers committee, the TUC will be launching a guide to enable unions to bargain for accessible apprenticeship opportunities. The guide is rooted in the social model of disability, looking at what adjustments are needed in the workplace to ensure disabled people are able to access the employment market. The guide looks at the areas of recruitment, adjustments in the workplace, addressing discrimination and getting the right equality policies in the workplace to ensure an inclusive working environment.

10 Mental health

Motion 11 at the 2016 TUC Disabled Workers Conference focused on addressing the barriers facing people who are experiencing mental ill-health at work. As a result, the issue of mental health has continued to have a high public profile and its workplace implications have been a continuous feature of TUC action and support. The committee recognises the specific barriers people with mental health problems experience. These include ineffective employer policies, lack of understanding by many managers, stigma and prejudice, and the continued very low employment rate of those who drop out of work for reasons of mental ill health.

On World Mental Health Day, the TUC highlighted findings from its Health and Safety Audit which noted that stress was identified as the number one health and safety issue.

In the survey of more than 1,000 health and safety reps around the UK, 70 per cent of reps cited stress as a problem – up three per cent since the last survey in 2014 when 67 per cent did so, and a higher proportion than in any previous TUC study.

Stress is one of the main causes of mental health problems, in particular anxiety and depression. Workers in the public sector, which is the most impacted by government cuts, experience some of the highest levels of stress.

It is especially prevalent in central government, where 93 per cent of reps cited it as a top five workplace hazard, as well as in education (89 per cent) and health services (82 per cent). But there is also a rise in concern about levels of stress at medium-sized companies.

For workers experiencing these problems it is not always easy to ask for adjustments in the workplace. There is often a sense of shame and stigma; the message projected by the media and government has often reinforced this.

The TUC has called on employers to ensure adjustments are put in place. These include: time off for counselling or other medical appointments, (this may include compressed or flexible working if the appointment is a weekly appointment); adjusting the start and end of working hours, (if sleeping is a problem or if overcrowding on public transport maybe difficult); and adjustments to the sickness absence policy where time off is related to a disability. As stigma remains a huge barrier, it may be useful to consider suitable awareness raising exercises. The findings were widely picked up by the media.

WMHD also featured a series of blogs highlighting how unions can bargain for equality for disabled workers experiencing mental ill-health. The issue of mental health was also highlighted during young workers month and through work on LGBT equality, noting that LGBT people experience disproportionately high levels of mental health problems as a result of homophobia and discrimination. Mental health also featured prominently at the TUC Women's Conference and there may be opportunities for collaborative work with other equality strands over the coming year.

In a TUC report published in 2017 on racism at work, survey the findings showed that the number one impact of experiencing racism was on a person's mental health. For BME women who have experienced racism, 60% noted a negative impact on their mental health/stress. These findings will inform future work on mental health across all equality strands.

TUC Education has produced an e learning note on mental health in the workplace (<https://www.unionlearn.org.uk/enotes>) which follows on from their previous workbook on workplace mental health. This is a training tool to strengthen the ability of officers and workplace representatives to support members negotiate better policies.

11 Equality for people with hidden impairments

Motion 12 to the 2016 Disabled Workers Conference noted the barriers faced by people with hidden impairments including neurodiversity conditions. The TUC has previously published a guide written by the co-chair of the Disabled Workers Committee, Janine Booth, on autism in the workplace including the adjustments people would need <https://www.tuc.org.uk/sites/default/files/Autism.pdf>. The report noted the need to include this in any strategy for collective bargaining, producing recruitment materials aimed at autistic

workers and carers, ensuring that the union has representative structures for disabled members and that these structures and their activities are publicised, and measures to ensure that autistic members know that they are welcome to get involved.

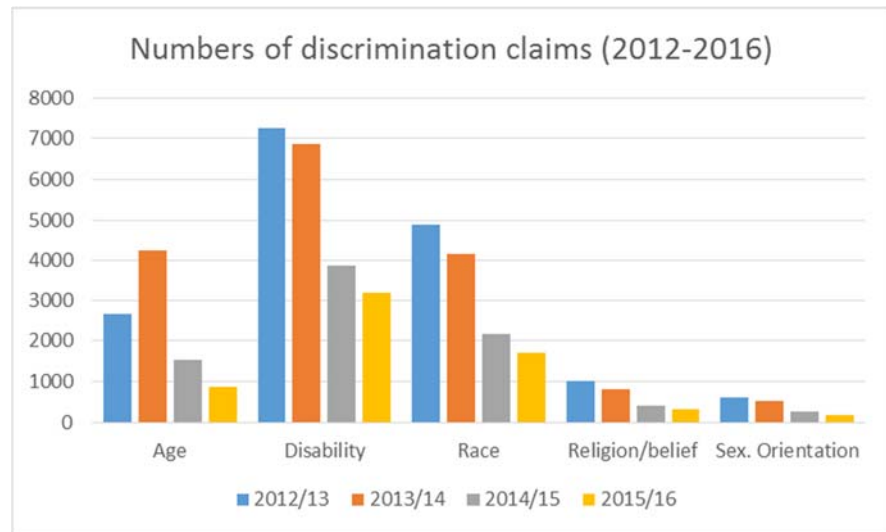
The committee are supporting the work of the Labour Party in developing a manifesto on autism and neurodiversity. Janine Booth, the co-chair, is working with John McDonnell MP and a steering committee of autistic and other neurodivergent activists. A draft manifesto was launched at the 2017 Labour Party conference. The draft is now open to comment and contribution, and we encourage all trade unionists to contribute.

12 Access to employment tribunals

A motion at the 2015 Disabled Worker's Conference called for an investigation and campaign around problems for disabled people in accessing Employment Tribunals. The TUC responded to a government review of the introduction of tribunal fees in 2017. In its response the TUC noted the disproportionate impact on groups protected under the Equality Act 2010 noting that the introduction of employment fees and remission scheme has had serious adverse equality impacts on users of the employment tribunal system.

We disagree with the review's findings that the best way to support people with protected characteristics is by making minor adjustments to the fee remissions scheme. To ensure people with protected characteristics can access the employment tribunal system, fees should be abolished.

It was further noted: "Younger people, disabled people, those from black, Asian or Chinese backgrounds are most likely to be in the lower income groups so employment tribunal fees prohibit people from these groups from bringing tribunal claims."



Those individuals who are most likely to suffer discrimination (i.e. women, pregnant women/those on maternity leave, disabled people, BME groups, younger or older workers, LGBT claimants) will be put at a particular disadvantage because of the much higher upfront fees that are proposed for discrimination claims.

The fees are likely to deter many individuals from pursuing discrimination claims at tribunal. This in turn will undermine equality of opportunity for these groups as with the reduced threat of sanction, employers will not be as concerned about eliminating and preventing discrimination and harassment. In addition, with potentially fewer cases proceeding to tribunal there will be fewer public judgements to provide guidance to other employers on how best to eliminate discrimination and harassment and advance equality of opportunity.

13 Hate crime

There was a 44 per cent increase in the number of disability-related hate crimes in 2015/16 from the previous year. All forms of hate crime have increased as a result of the vote to leave the EU.

Table 2: Hate crimes recorded by the police by monitored strand, 2011/12 to 2015/16

Hate crime strand	England and Wales, recorded crime					% change 2014/15 to 2015/16
	2011/12	2012/13	2013/14	2014/15	2015/16	
Race	35,944	35,845	37,575	42,862	49,419	15
Religion	1,618	1,572	2,264	3,293	4,400	34
Sexual orientation	4,345	4,241	4,588	5,591	7,194	29
Disability	1,748	1,911	2,020	2,515	3,629	44
Transgender	313	364	559	607	858	41
Total number of motivating factors	43,968	43,933	47,006	54,868	65,500	19
Total number of offences	N/A	42,255	44,577	52,465	62,518	19

Source: *Police recorded crime, Home Office.*
See Bulletin Table 2 for detailed footnotes.

Hate crime was raised in motion 10 at the 2016 Disabled Workers Conference. The committee has raised this as a campaigning issue and noted member concerns. The TUC was invited to be a partner on the Equality Diversity Forum’s Hate Crime Contact Group and the representative has been the policy officer on disability equality. The group also includes the disabled people’s organisation, Inclusion London. It feeds into the work the EHRC is doing to bring about legal and political change in this area. One of its priorities is to have legal parity for perpetrators of disability hate crime so the punishment is in-line with race and faith hate crime.

The TUC has noted the rise in hate crime in the context of the EU referendum. In the TUC campaign plan it notes that “the trade union movement will be at the forefront of opposing racism, xenophobia and all forms of prejudice in our workplaces and our communities, and banishing them from our public discourse.”

14 Working with disabled peoples’ organisations

The members of the committee continue to campaign with disabled people-led organisations. In particular members of the

group work with DPAC on various campaign priorities and protests.

The TUC has continued to work with organisations led by disabled people to resist the impacts of government policy. When developing the reps guide to bargain for accessible apprenticeships the Alliance for Inclusive Education was engaged as well as Inclusion London.

15 Campaigning to save the Human Rights Act

Motion 7 to the Disabled Workers Conference called on the committee to campaign to save the Human Rights Act.

The TUC participated in a debate in Parliament on the future of the Human Rights Act and a British Bill of Rights – focusing on the importance of protecting collective rights, including trade union rights in the UK. There has also been work done with human rights organisations Liberty, Amnesty International and the British Institute of Human Rights who had given support on the Anti-Trade Union Campaign. The TUC has supported the work of these organisations encouraging unions to sign up to campaigns to save the Human Rights Act. The TUC are also members of the Equality and Diversity Forum who are campaigning on this issue.

16 The Trade Union Bill/(Act)

Motion 5 at the 2016 Disabled Workers conference mentions the need to organise against threats to trade union rights. Whilst it wasn't possible to stop the Bill passing into law, with feedback from the committee the TUC fought hard against the Bill and won a number of major concessions. These include:

- i) scrapping the public sector 'check-off' ban, where unions cover the costs.

- ii) an independent review on e-voting in industrial action ballots.
- iii) removing hundreds of thousands of ancillary workers in the private service sector from the 40 per cent threshold.
- iv) limiting new political fund 'opt-in' rules to new members.
- v) deferring any cap on facilities for union reps for at least three years.

Whilst the union movement made significant progress in many areas, the Act is still damaging and divisive. It includes serious and unnecessary restrictions on unions and their members, including:

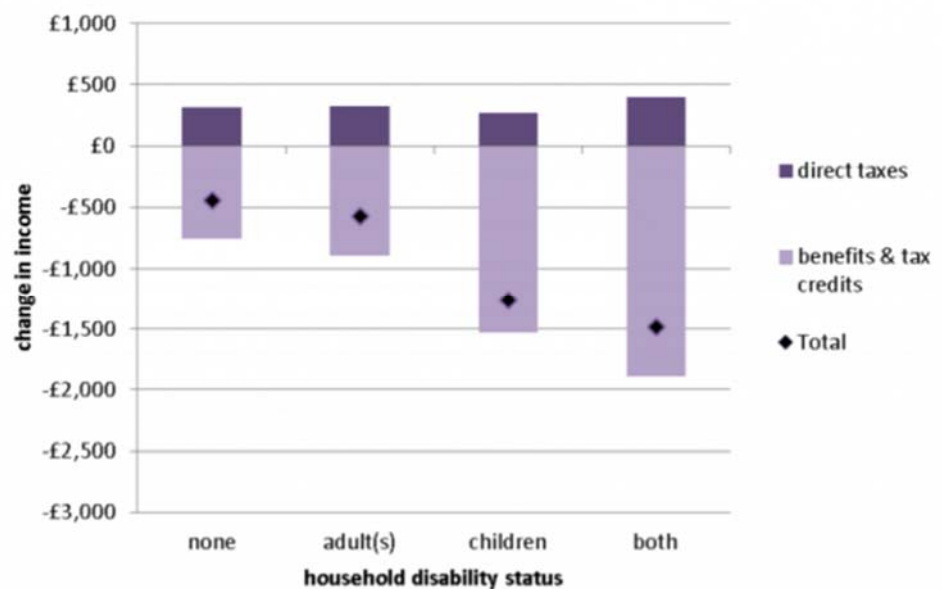
- a) Statutory thresholds in industrial action ballots.
- b) Complicated new balloting and notice rules designed to make industrial action more difficult for unions to organise.
- c) New restrictions on pickets.
- d) New restrictions on union campaigning, with extra duties to report on campaigns and wider causes supported from unions' political funds.
- e) Wide-ranging powers for the Certification Officer (CO), who regulates unions.
- f) An expensive levy paid by unions for the costs of being regulated.
- g) The government is also still considering ending the ban on agency workers replacing strikers.

From the start, the government's aim was to further restrict the ability of union members to organise collectively in defence of their jobs and livelihoods. But unions will work together to make sure our movement gets stronger, continuing to represent people at work, tackling inequality and campaigning and negotiating for decent pay, safe workplaces and good employment conditions.

17 Welfare reform

The committee and the TUC continues to be vocal on the negative impact of welfare cuts, highlighting that disproportionate impact on disabled people. In a blog on the International Day of Disabled People, the TUC highlighted the cumulative impact of the cuts.

Distributional impact of direct tax, benefit and tax credit changes, 2010–15, in cash terms by household disability status



In the July 2015 Budget it was announced that the Employment and Support Allowance for people in the Work-Related Activity Group would be cut to the same rate as Jobseeker’s Allowance. The OBR calculates that this will average out as a 28 per cent cut.

More recently the government made significant changes to Personal Independence Payment (PIP). PIP helps chronically sick and disabled people fund their living costs and, in particular, the additional financial costs faced by disabled people. Disability charity Scope has estimated that these additional costs amount to approximately £550 a month. Disabled people are twice as likely to

live in poverty as non-disabled people as a result of these additional costs, and PIP is a key source of income to prevent real hardship. Currently 600,000 disabled people are in receipt of the payment. The government has said some disabled people are somehow less deserving.

But it isn't just the new cuts that are causing problems for disabled people. Implementing policies long ago announced is still causing problems. Research shows that as people were assessed through the Work Capability Assessment (mentioned in motion 6) and were moved from Incapacity Benefit to Employment and Support Allowance, it led to extra cases of reported mental health problems and additional prescribing of anti-depressants. Each additional 10 000 people reassessed in an area was associated with an additional 2 to 9 suicides. Organisations ranging from Mind to Disabled People Against the Cuts are now calling for the test to be replaced by a more humane alternative, but the government shows no sign of relenting. The committee alongside the TUC will continue to support calls for change.

18 EU referendum

Although the result of the EU referendum wasn't known before the 2016 conference, there was significant campaigning undertaken highlighting the risk to disabled workers rights of a leave vote. The Employment Rights Officer attended the Disabled Workers Committee providing a briefing as well as a factsheet on the disabled workers rights hard fought by trade unions across Europe (and now seriously at risk).

Subsequently the TUC, with involvement from the Disabled Workers Committee, has made it a campaign priority that working people should not pay the price of the vote to leave the EU.

The TUC alongside the committee is campaigning to ensure that the referendum vote is not followed by a prolonged recession or

assault on those rights at work that are guaranteed by the EU. The TUC put forward an alternative plan to stave off a Brexit recession. The TUC with feedback from the committee is campaigning for all EU derived workplace rights to be retained in their entirety and for measures to make sure UK voters benefits from the same advances as the rest of Europe.

19 Accessible transport

As a response to motion 14 and 15 on accessible transport, members of the committee continue to lobby on this issue. During the year the TUC and the rail unions have campaigned through Action for Rail for safe, properly staffed railways.

Members of the RMT and Aslef have engaged in industrial action fighting to ensure there are guards on trains, a particular issue for disabled passengers with access needs.

In 2016, after a major campaign of strike action over the summer, ScotRail guards won a big victory in their fight to keep the conductor on the train.

20 Online activism

Members of the disabled workers committee have written a number of blogs on disability equality (such as addressing the barriers disabled workers with autism face at work) both on TUC platforms and other online spaces. They have also been involved in a range of social media campaigns including the TUC's "heart unions" week.

As part of the 2016 disabled workers conference the committee organised delegates to take part in a series of vox pops on what trade unionism has done to support disability equality. These videos were used across social media to promote the work of trade unions to people outside the movement. The committee will be

organising this years conference delegates to undertake further social media activity to help promote trade unionism.

The office, with input from the committee, has also been engaged in social media campaigns throughout the year including on World Mental Health Day, Disability Awareness Month, International Day of Persons with Disabilities and others.

21 Increasing accessibility at Congress Centre

The committee have worked with the TUC to look at ways to increase accessibility at Congress House. This was in response to issues raised previously at past disabled workers conferences. Members of the Disabled Workers Committee undertook an assessment of congress house facilities with congress centre staff and the TUC. There are restrictions on what is possible because congress house is a listed building, however, there was an agreement to take forward a number of measures to improve access such as lighting, signage and additional stewarding to help improve accessibility. This will be progressed throughout the year and the issues, where pertinent, will be picked up through plans to refurbish the building. There are already plans to have an additional accessible toilet and additional parking spaces for blue badge holders. The committee agreed to look at the possibility of alternative venues bearing in mind the budgetary and other resource constraints.

22 Committee attendance

Name	5/7/16	24/11/16	16/3/17	20/4/17
David Allan	√	x	√	√
Julian Allam	√	√	√	x
Amy Bishop	√	√	√	√
Janine Booth	√	x	√	√
Lynda Carter	√	x	√	x

Marsha De Cordova	x	√	x	√
Ann Galpin	√	x	√	√
Mandy Hudson	√	x	√	√
Mark Leopard	√	√	√	√
Carl Lewthwaite	x	x	√	x
Sean McGovern	√	√	√	√
Robert Mooney	√	x	√	x
Lara Morris	√	√	x	x
Patricia Roche	√	√	√	√
Jane Perry	x	x	x	x
Tony Sneddon	√	x	√	√
Sian Stockham	√	x	√	√
Manuel Cortes√		x	x	
Ged Nicholls	x	x	x	x
Nick Cusack	x	√	x	x
Malcolm Sage	x	x	x	√

GLOSSARY OF ABBREVIATIONS USED

ALLFIE	Alliance for Inclusive Education
AtW	Access to Work
DPAC	Disabled People against Cuts
EHRC	Equality and Human Rights Commission
ESA	Employment and Support Allowance
ILF	Independent Living Fund
PIP	Personal Independence Payment
WCA	Work Capability Assessment



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