



TUC Disabled Workers' Conference 21-22 May 2015

Report of the Conference

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Section one

Disabled workers' conference report

In the chair

Conference was chaired by Kim Silver, Seán McGovern, Janine Booth and Tony Sneddon.

Conference attendees

Conference was attended by 207 delegates from 24 unions, 14 visitors, 9 observers, 4 exhibitions and 1 media.

Appointment of tellers and scrutineers

The following were appointed as tellers and scrutineers:

Peter Milliken	ATL
Ranjna Sharma	NAPO

Chair's address

Co-chair of the Disabled Workers' Committee, Seán McGovern, addressed conference on Thursday morning.

General Secretary's address

Frances O'Grady, TUC General Secretary, addressed conference on Thursday morning.

President's address

Leslie Manesseh, TUC President, addressed conference on Thursday afternoon.

Guest speakers

Richard Rieser (UK Disability History Month) and Paula Peters (Disabled People against Cuts) addressed conference.

Informal session

Ray Ludford (former Remploy worker), Katherine Wilson (Carers UK) and Rory Heap (trade union and community activist) led an informal plenary session on disabled peoples' continuing resistance and the social model.

Section two

Resolutions carried

Emergency Motion 1: Disabled people and the new government

Conference is gravely concerned at the election of a Conservative government and the implications of this for disabled workers. For the last five years, the Tory-led government attacked our benefits, services and rights, and we can expect the Conservatives to intensify that now they have a majority.

With the Conservatives promising £12bn cuts, we can anticipate further cuts in benefits levels and entitlements, privatisation and closure of health and support services, and new attacks on our human rights, employment rights and trade union rights. The government and sections of the media will doubtless back up these attacks with an ideological assault on disabled people as scroungers, trade unionists as wreckers and human rights as expendable.

We resolve to mobilise in defence of our rights, benefits and services, and call on the TUC and the Disabled Workers' Committee to:

- (i) unite and work closely with the disabled people's movement to organise campaigning, including direct action;
- (ii) mobilise support for trade unions campaigning and taking industrial action;
- (iii) actively encourage disabled people to exercise their existing rights as a proactive way of defending those rights against attack; and
- (iv) pursue this fightback immediately rather than wait for specific attacks to be announced.

Proposed: TUC Disabled Workers' Committee

Seconded: Prison Officers' Association

1 Disabled people's manifesto

Conference agrees that whatever the outcome of the general election, disabled people need to campaign hard to ensure that the Tory-led policies, cuts and so called reforms are reversed.

The trade union movement needs to draw up a Disabled People's Manifesto that includes commitments to:

- make democracy, justice and transport more accessible;
- improve health and social care for disabled people; and
- increase support for disabled people in education and employment; and complete a programme of disability awareness training.

The Manifesto would raise awareness of disabled people's issues in the media, with all MPs and with the public, and it would also be a tool to make MPs accountable following the election.

Conference calls on the TUC Disabled Workers' Committee to work with unions to:

- develop a Disabled People's Manifesto to improve equality of opportunity for disabled people;
- issue guidance to on how to influence all MPs to sign up to the Disabled People's Manifesto, by working with individuals unions Labour Link and political structures; and
- call for an early day motion to be tabled
- embed a duty to promote dignity, justice for disabled people through a requirement on all employers and public bodies to carry out equality audits, tackle all discriminatory practices and institute positive action programmes;
- a British Sign Language act; and
- a commitment to tackle hate crime.

Conference also recognises that disabled people in other countries in the EU are facing similar problems and calls on the TUC Disabled Workers' Committee to contact the ETUC and trade union movements in other countries of the EU to see what can be done to agree an European Disabled People's Manifesto and have it debated in the European Parliament.

Proposed: UNISON

Seconded: National Union of Journalists

Supported: Unite the Union

2 Treating disabled workers more favourably

Conference is deeply concerned by the fact that disabled workers and their families continue to be amongst the hardest hit by Coalition policies. This together with their divisive rhetoric and a growing tendency of politicians and other high profile public figures to openly regard disabled peoples as second class and ‘worthless’ citizens in impacting on how disabled workers are being treated at work. Reps report managers are increasingly dismissive of disabled workers’ needs and of their own legal obligations. The much misunderstood and indeed unlawful approach to equality that treating people the same is the same as treating people equally, is gaining ground. Disabled workers face hostile management attitudes, unsupportive colleagues and the loss of and/or refusal to enact reasonable adjustments.

Conference understands and reaffirms that in order to achieve equality it is not only desirable and lawful but frequently necessary to treat workers more favourably than non-disabled colleagues.

Conference asks the TUC to continue to:

- support union campaigning on getting this ‘positive action’ message out; and
- support unions’ efforts to ensure that all activists and reps understand why more favourable treatment is desirable and necessary and they have the confidence to challenge hostile attitude and unlawful behaviour.

Proposed: Union of Shop, Distributive and Allied Workers

Seconded: Unite the Union

3 Privatisation/outsourcing and the Equality Duty

Conference is aware this government is eroding the public sector by privatisation and outsourcing. The Post Office; East Coast Mainline; a third of recent NHS contracts; and more recently, over half of the Probation Service, all moving into private hands, not only will this lead to poorer service provision, it will also have a negative impact on equality outcomes for staff.

This is because in these newly privatised sectors only the general equality duty will apply. This will mean that employees with protected characteristics, especially disabled people, will now lose out from the safeguards afforded by the specific duties. In addition, they risk losing or having their reasonable adjustments severely diluted under private sector arrangements which could result in a high proportion of disabled workers losing their jobs.

We call on the TUC to lobby government to ensure that all organisations, whether privatised or not, that are delivering a public service, must comply with the specific duties. This will help ensure disabled people currently in employment with the support of reasonable adjustments can continue in secure employment.

Proposed: Napo

Seconded: Public and Commercial Services Union

4 Disabled workers deserve better

GMB believes this government has shown a complete disregard for disabled people in and out of employment.

GMB welcomes the campaigning by disabled people against bad employers, congratulates Disabled People against the Cuts (DPAC) for its high-profile activities and its solidarity with Remploy workers.

Failure by employers to make reasonable adjustments has resulted in millions of disabled workers being excluded from the labour market. Employers should be under a statutory duty to raise awareness, change discriminatory work place culture and provide support to disabled workers by making the necessary changes.

Conference calls upon the TUC to lobby government to ensure that:

- (i) all managers and supervisors are made aware and trained in physical and mental disabilities;
- (ii) this training is of an agreed standard, verified by the TUC. No local or national government contracts for goods and services are placed with companies that cannot show a fit for purpose disability training plan; and
- (iii) restore the status, role of and the funding of the Equality and Human Rights Commission.

Proposed: GMB

Seconded: Public and Commercial Services Union

5 Welfare Benefits Reform

Conference deplores the coalition government's sustained attack on disabled people. The so called necessary reforms of welfare benefits have delivered:

- (i) work Capability Assessments by Maximus for the DWP, leading to loss of benefits and wrong decisions for many disabled people unable to work;
- (ii) the change from Disability Living Allowance to Personal Independence Payment designed explicitly to remove payments from thousands of disabled people;
- (iii) the impact of the "bedroom tax" and the constant attacks on access to work; and
- (iv) the closure of Remploy factories leaving disabled people previously employed in properly paid jobs without work.
- v) the closure of the Independent Living Fund;

These reforms mean that disabled people are no longer struggling against inequality and indifference but now having to face the real day to day challenge of survival. 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 congratulates Disabled people Against the Cuts (DPAC) for its high-profile activities and its solidarity with disabled workers, and instructs the TUC Disabled Workers' Committee to approach the General Council to campaign vigorously with DPAC and other campaign groups committed to reversing the current government reforms and demanding that any incoming government restores the Independent Living Fund.

Proposed: Transport Salaried Staffs' Association

Seconded: Public and Commercial Services Union

6 Universal Credit (UC)

Conference notes that Universal Credit (UC) rollout has begun and will be available in all job-centres by spring 2016.

Since first announced, it has been criticised by the Public Accounts Committee and National Audit office for its cost. The system, administrated by PCS and FDA members, is a huge overhaul of the benefits system affecting around eight million

people. UC will include income-based job seeker's allowance, income-related employment and support allowance, income support, child tax credit, working tax credit and housing benefit. Conference notes this extends conditionality and sanctions to working claimants.

Conference believes UC has many serious drawbacks, particularly for disabled people, e.g. it is only available online and can only be paid into a bank account, monthly. Although it is claimed around 3.1 million households will be better off, it is likely that 2.8 million will be worse off. Disabled people will be further pressurised into work by reduction of their benefits.

Conference calls upon the TUC to work with affiliated unions to press the Government to change the system to:

- (i) enable disabled people full access;
- (ii) ensure disabled claimants are not penalised further; and
- (iii) oppose the extension of conditionality and sanctions to working people claim UC.

Proposed: Public and Commercial Services Union

Seconded: FDA

7 Disabled people and the pay gap

Conference remains concerned that disabled people are far less likely to be in employment than non-disabled people and the proportion of disabled people living in low income households has been increasing over recent years.

Disabled people who are in employment face a pay gap compared to their non-disabled colleagues which has increased by 35 percent since 2010.

It is evident that discrimination against disabled workers based on pay is unlawful, but this is often overlooked where organisations carry out equal pay audits. This is exacerbated by the unfair operation of performance management systems. New evidence obtained by Prospect through a series of Parliamentary questions reveals patterns of institutional discrimination within the civil service, including against disabled staff.

Conference urges the TUC Disabled Workers' Committee to campaign to eradicate the pay gap and the process of pre-determined quotas within performance management systems, and encourage affiliated unions to:

- (i) ensure that disability is covered in equal pay audits;

- (ii) challenge discriminatory outcomes from the operation of performance management systems;
- (iii) ensure managers are trained to conduct performance appraisals to secure fair and consistent treatment of all staff being appraised; and
- (iv) support members in raising grievances where they believe they have been unfairly treated.

Proposed: Prospect

Seconded: FDA

8 Impact of Working Longer

Conference notes that the increased State Pension Age means that workers will be obliged to work into their late sixties or even longer before they can afford to retire. In the public sector, the occupational pension age has been linked with the State Pension age.

These changes have a particular impact on women, employees with long-term or progressive health conditions, and those in physically or emotionally demanding jobs. Many women are already facing lower income in retirement due to working part-time or having time out of the workforce, and will face huge actuarial reductions in their pension if forced to retire early due to illness, disability or carer responsibilities.

Conference urges the TUC and all affiliates to campaign for:

- (i) no further increase in the State Pension Age; and
- (ii) the Treasury Committee when reviewing the link between State Pension Age and occupational pension age, to take into account the potential disproportionate impact on disabled employees of further rises in the state pension age.

Proposed: Chartered Society of Physiotherapy

Seconded: Prospect

9 Work Choice Programme

Conference welcomes the continuing effort that Work Choice makes in supporting disabled people to find sustained employment but recognises that the number of people claiming incapacity benefit rose by 50,000 in six months in 2014 and that there is a long way to go to effectively reduce the unemployment rates of disabled people.

Conference is seriously concerned that no announcement has been made by the Government regarding the replacement for the

programme after its scheduled end in 2015, that recent reports show the

Government has overspent by £8 billion on Employment and Support Allowance and that still only 45 percent of disabled people are in work.

Conference calls on the TUC Disabled Workers' Committee to lobby the new Government:

- (i) for the prioritisation of funding and support for work support programmes over the next Parliament;
- (ii) to work with employers to create more inclusive workplaces; and
- (iii) to reform the Work Capability Assessment.

Proposed: Community

Seconded: GMB

10 Hidden Disabilities

Conference welcomes the work of the TUC in actively campaigning around awareness of hidden disabilities.

Conference believes that conditions that have no outward physical sign are too often ignored or unsupported in the workplace. Many workers maybe unaware that they have a disability or that they have a hidden disability that may be protected under the Equality Act and may not be receiving the support or adjustments from their employer.

Conference deplores the fact that in too many workplaces, disabilities are hidden by employees who fear that they will face bullying and discrimination.

Conference believes we need better access to information and assistance to help reps and employers understand that individuals affected by hidden disabilities need support that is specific and tailored to that individual.

Conference therefore calls upon the TUC to build on effective working relationships with organisations such as Mind, Time To Change, Together UK, Young Minds, ReThink and others including organisations campaigning around neurodiverse issues and organise towards an awareness campaign around hidden disabilities

Conference calls on the TUC Disabled Workers' Committee to:

- (i) develop a fact sheet to advise trade union members who may have a hidden disability of their rights at work;

(ii) hold awareness raising seminars on Hidden Disabilities and reasonable adjustments training for trade union reps and full time officials. This would include guidance on dealing with the personal case of members with mental health and neurodiverse conditions; and

(iii) work with trade union Equality Reps to identify best practice employers.

Proposed: Unite the Union

Seconded: Prospect

Supported: NASUWT

11 Beyond 12 weeks adjustments are still reasonable

Conference is concerned at the continuing discrimination of disabled workers by public and private employers by failing to recognise and implement reasonable adjustments. The application of time bound restrictions to reasonable adjustments further discriminates against disabled workers who require longer term adjustments to enable them to remain in full time employment.

Twelve week phased return to work plans should not be used as a benchmark when assessing a disabled worker's ability to return to work.

Therefore conference calls upon the TUC to seek all employers to remove time bound restrictions on reasonable adjustments.

Proposed: Prison Officers' Association

Seconded: NAPO

12 Mental Health and Reasonable Adjustments

Conference is deeply concerned by the growing evidence of increasing discrimination against disabled workers.

Conference is particularly concerned by the evidence that over three-quarters of teachers assert that the job impacts negatively on their mental health and wellbeing.

Conference condemns the lack of support for teachers and other workers with mental health issues and in particular those on the autistic spectrum or with other neuro-diverse conditions.

Conference further condemns the negative attitude of some employers who refuse to make reasonable adjustments for workers with mental health issues or create a climate of

uncertainty and fear which discourages workers from disclosing their conditions.

Conference calls upon the TUC to work with affiliates to:

- (i) research the extent of discrimination against those with mental health conditions
- (ii) prioritise campaigning and bargaining policies that defend disabled workers' rights and
- (iii) campaign to raise awareness and remove the stigma associated with mental health conditions.

Proposed: NASUWT

Seconded: University and College Union

13 Carers and Mental Health

Carers are our parents, partners, grandparents, relatives and children and yet shockingly according to Carers UK, we know that one in three cannot afford to pay their utility bills; one in 5 cannot afford their rent or mortgage. 80 percent of carers say caring has had a negative impact on their health and a staggering 61percent say they are or have been at breaking point. Carers, and those they care for, often face financial hardship that undoubtedly causes stress and anxiety and impacts negatively on mental health.

The Princess Royal Trust for Carers report 'Broke and broken' highlights the plight of carers battling depression, poverty and alcohol and drugs issues. Many trade union members are struggling to cope with combining working and caring responsibilities, often seeing their own mental health suffer.

Conference asks the TUC and affiliates to:

- (i) raise awareness among reps of the mental health issues carers may face;
- (ii) raise awareness for carers' rights, including the right to request flexible working, time off in emergencies and protection from discrimination and harassment under the Equality Act where they are caring for someone elderly and/or disabled; and
- (iii) lobby the Government for better financial support for carers.

Proposed: Association of Teachers and Lecturers

Seconded: Prospect

14 Employment Tribunals

Conference notes that tribunals are difficult for workers living with mental health conditions and other disabilities as this is often the reason for the discrimination which has created the need for a tribunal in the first place. Since the introduction of large tribunal fees and October 2014 rules cutting remission of fees for workers on means tested benefits there has been a reduction in discrimination claims of at least 46 percent. Added to this is the lack of knowledge by claimants that the tribunal process should include reasonable adjustments for disabled workers including those dealing with mental ill health. Combined with reasonable fears regarding the need to be cross examined by the employer's legal representative and it is no wonder that workers are deterred from initiating proceedings or settling for settlement agreements with gagging clauses, even if their case has strong legal merit.

Conference calls on the TUC to make it clear that disabled workers have the right to seek reasonable adjustments during the tribunal process and to seek support from the Law Society, Bar Council, Legal Action Group etc to campaign on the discriminatory effect the introduction of fees and lack of remission is having on workers' right to justice.

Proposed: National Union of Journalists

Seconded: FDA

15 Home Working

Conference notes the increasing drive, in both the public and private sectors, to close workplace and centralise operations. Frequently this leads to increasingly lengthy, both in time and distance, and difficult commutes to work. This impacts disproportionately negatively on disabled workers.

At the same time, continuing and rapid advances in information and communications technology have created a revolution in the ability of employees to work from home or at other remote locations.

The ability to work from home or at any location more convenient than a distant workplace is of great benefit to many disabled workers. Many more disabled people would gain and maintain employment if they were able to work from home, subject to proper Health and Safety protection, including a risk assessment of their home working environment where appropriate.

Conference calls on the TUC and affiliates to campaign for all employers to increase access to, and availability of, home and remote working which will have a particular benefit for disabled workers.

Proposed: FDA

Seconded: Public and Commercial Services Union

16 Access to Work

The Access to Work (AtW) programme is designed to provide disabled people with practical support to stay in employment. However, there have been significant problems with the scheme's operation.

Conference notes that the Work and Pensions Select Committee has concluded that the scheme helps “only a minority of the people it could benefit” and that the Department of Work and Pensions’ “attempts to increase the number of people helped by the programme, within an only marginally increased budget, risk bearing down on the awards of people who happen to have relatively high cost needs”.

Self-employed workers and in particular entertainers have experienced specific problems, including lack of understanding of their employment status, inconsistency and delays in decision-making and requiring performers to claim back expenses after they have completed a job. The specialised needs of performers and other creative workers are also often misunderstood.

Conference welcomes the recommendations of the DWP Select Committee and will campaign for better guidance to be issued that can take greater account of the realities of working in the entertainment industry. Conference also resolves to campaign for improved funding for AtW and other measures which seek to bring about a level playing field for disabled workers.

Proposed: Equity

Seconded: Public and Commercial Services Union

17 Stop Changes to Access to Work

Conference is appalled by the ongoing attacks this Government is making on the Access to Work scheme which is run by the Department of Work and Pensions. The Scheme is crucial for deaf and disabled employees who rely on it to access and pay for support such as Sign Language Interpreters, adaptive equipment such as ergonomic chairs, screen-reading equipment and also transport costs if public transport is not an option. However cuts are seeing support allowance halved for

interpreters and other disabled people are having their respective support cut in other ways. The application process is also being made more difficult which makes it inaccessible in some cases. The cuts particularly affect freelancers who are unable to take on work as they do not have the necessary support.

Conference opposes the new draft framework for interpreting service provision for the access to work scheme which would allow substandard and unsafe levels of interpreting.

Conference believes the framework agreement to be scrapped with immediate effect, and a full consultation with both the Deaf and interpreting communities.

Conference resolves to support the scrap the framework campaign.

Conference calls for the TUC and delegates to sign the 38Degrees petition and to get in touch with local MPs about the issue.

Additionally, Conference calls on the TUC Disabled Workers' Committee to engage with relevant disability and other campaigning groups to stop and reverse the changes to access to work.

Proposed: Musicians Union

Seconded: Public and Commercial Services Union

Supported: Unite the union

18 SEN Reform

Conference is gravely concerned about the impact that the new *Education, Health and Care Plans* are having on disabled children and young people and those labelled as having special educational needs. The ill-conceived reforms come at a time when families with disabled children are already facing cuts to their household budgets.

Conference believes that current national education policy is testing and target driven, thus creating a 'one size fits all' system which prevents and undermines inclusion.

Conference asserts that every child and young person should be valued and that they should be taught by a qualified teacher in an inclusive school system, with a curriculum that is accessible to every learner.

Conference deplores the fact that:

(i) the *Independent Living Fund* (ILF) for those with the most severe impairments has ended;

- (ii) support staff working with disabled children and young people are amongst the lowest paid workforce; and
- (iii) cuts to public services have drastically reduced services for disabled children and their families.

Conference calls on the TUC to call on the Government to:

- (i) highlight the specific impact of the cuts on services for disabled children;
- (ii) reinstate the *ILF*; and
- (iii) campaign for smaller class sizes to allow individual learning to take place.

Proposed: National Union of Teachers

Seconded: Association of Teachers and Lecturers

19 Impact of austerity and marketisation of the post 16 education sector

Disabled workers in post 16 education are experiencing unprecedented attacks on their working conditions and well-being. Increased workloads impact on all workers' work life balance as well as their pay as more work becomes part of unpaid hours. Disabled workers have the additional impact that any disadvantage a disability may have on how they do their job is ignored. Employers are resisting agreeing reasonable adjustments and the government is intent on Access to Work becoming inaccessible. Increasing numbers of disabled workers are being performance managed often resulting in being forced out of the sectors.

Disabled workers in post 16 education are being made to feel that they are the problem rather than institutions focused on profit and a Government focused on minimal funding for the sectors. The additional stress of detrimental changes to welfare reform and health services is creating unmanageable stress and insecurity.

The Conference calls upon the TUC Disabled Workers' Committee to:

- (i) continue to campaign against austerity and marketisation and its impact on disabled workers
- (ii) work with appropriate campaigning organisations such as DPAC;

(iii) prepare for the defence or progression of disabled equality rights following the general election including the possible review of the Public Sector Equality Duty.

Proposed: University and College Union

Seconded: National Union of Teachers

20 Cuts in transport staff

Conference is deeply concerned about the continued cutting of jobs on public transport, including London Underground and on our national railways and the direct impact this has for people with disabilities.

For example, conference notes the current proposals for Northern and Transpennine Express rail franchises which introduce driver-only operation, sack train guards/ conductors, de-staff stations and close ticket offices.

This is not the only franchise where guards are being removed from trains. Conference notes that, broadly speaking, the guard is responsible for the protection of the passengers. Currently the guard is fully trained in operational safety, including being able to safely secure the doors, and acting in emergencies such as driver incapacity, failure of the train safety systems and derailments.

These cuts are a false economy and we believe that an affordable, accessible and properly staffed railway is vital for tackling social inequality, improving social mobility and protecting our environment as well as economic growth.

Conference agrees to continue to campaign on this topic, calling on the Government to stop these cutting franchises and start protecting the interests of passengers and the communities who rely on these rail services.

Proposed: RMT

Seconded: Unite the union

21 Disabled People and Access to Sports Events

Disabled people have every right to engage in sporting activities, through participation or simply as spectators. When it comes to the latter, it is evident that many sporting venues are not capable of allowing disabled persons to enjoy this right, as most venues and stadia are simply not equipped to accommodate the needs of disabled people.

The Accessible Stadia Guide was established in 2004 but football clubs are still not acting in the spirit of promoting a disability-friendly environment for disabled football fans.

Conference calls on the TUC Disabled Workers' Committee to conduct a study of the main sporting arenas. This study will identify spectator capacity, the percentage of seating allocated for disabled fans and any other provisions made to assist fans with other impairments. The committee should also engage with Disability Rights UK who are currently involved in a campaign on this very issue. The study should also compare the effectiveness of the Accessible Stadia Guide and make recommendations with a view to promoting the interests of disabled people. A report will be made available to the 2016 TUC Disability Conference.

Proposed: Communications Workers Union

Seconded: Unite the union

Section three

Election results

The following were declared elected to serve on the TUC Disabled Workers' Committee 2015-16:

Section A (14 places)

Dave Allan	Unite the union
Janine Booth	National Union of Rail, Maritime and Transport Workers
Linda Carter	Union of Shop, Distributive and Allied Workers
David Chrimes	FDA
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
Lara Morris	NASUWT
Patricia Roche	University and College Union
Kim Silver	Unison
Tony Sneddon	Communication Workers' Union
John Swaney	Prospect

Section B (black members) (1 place)

Julian Allam	Unite the union
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Section C (LGBT members) (1 place)

Manjeet Sandhu	Unite the union
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Section d (women members) (1 place)

No nominations.

Section four

Congress motion and vote of thanks

Emergency motion1, *Disabled people and the new government*, was selected by conference for submission to TUC Congress 2015.

The vote of thanks was moved by Ceri Wright (Unite the union) and seconded by Craig Martin (Unison).