

# Disability Equality at Work

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## Unite Negotiators' Guide



[www.unitetheunion.org](http://www.unitetheunion.org)





# Welcome

**Welcome to Unite's Disability Equality at Work Guide for negotiators, branches, workplace reps, union equality reps and disability champions.**

**Unite opposes discrimination against disabled working men and women, and supports practical action for disability equality.**

**Use this guide to support organising, representation, bargaining and building the involvement of disabled workers at the workplace, in our communities and in the union.**

**Len McCluskey,**  
*General Secretary*

## **Unite Disability Equality Guides :**

- Social Model
- Health & Safety and Disability
- Language
- Mental health and stress
- Audits
- Sickness absence
- Disability Symbol
- Access to Work
- Performance-Related Pay, Competence Assessments and Disability Equality
- Diabetes
- Dyslexia
- Asthma
- Sleep Apnoea
- HIV/AIDS

All photos from Unite's first National Disabled Members' Conference 2010 copyright Joanne O'Brien.

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**The guide is available by email, Braille and large print. It is also on the UNITE THE UNION Website [www.unitetheunion.org/equalities](http://www.unitetheunion.org/equalities)**

# DISABILITY DISCRIMINATION AT WORK IS **UNLAWFUL**

**If you think you are being discriminated against, harassed or bullied for disability reasons, you should contact your union rep.**

The Equality Act 2010 (Northern Ireland Order 2006\*) became law in England, Scotland and Wales in October 2010 and, brought discrimination law under one single piece of legislation for the first time. The Act outlaws disability discrimination where :

- A disabled person is treated less favourably because of their disability
- No reasonable adjustment is made for a disabled person
- No justification can be made (where it is allowed)

This applies to all stages of the employment relationship and includes:

- selection for jobs;
- your terms and conditions of employment;
- promotion or transfer;
- training;
- employment benefits;
- dismissal or any other detrimental treatment; and
- employment references

## **Who is covered by the Act?**

- All disabled workers from day one of employment, including part-time workers, agency workers and contractors;
- The Act also protects workers from being discriminated or harassed because they are perceived to have a disability;
- It covers workers who are linked or associated with a disabled person, e.g. a carer of a disabled child or adult.

## **What is a disability?**

The Equality Act 2010 states that you will be classed as disabled if you have a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities – this can include, using public transport, a telephone or reading a book.





There is no list of what constitutes a disability under the Act, but “substantial” means that it must be more than trivial or minor. “Impairment” covers long term health conditions such as asthma or diabetes, but also fluctuating or progressive illnesses, such as rheumatoid arthritis.

A mental impairment includes;

- mental health conditions, e.g. bipolar disorder or long-term depression;
- learning difficulties, e.g. dyslexia;
- learning disabilities, e.g. autism and Down’s Syndrome

Some workers are covered automatically by the Act. Those with:

- cancer
- multiple sclerosis
- HIV/AIDs
- severe disfigurement

### What is discrimination?

The Act defines different forms of discrimination:

Direct Discrimination is when an employer treats a worker less favourably because they have a disability, are associated with someone who has a disability, or are perceived to have a disability, than they would have applied to someone who is not disabled. Direct discrimination cannot be justified by the employer.



### EXAMPLES

1. Michael is unsuccessful in his application for a role of team leader within his organisation. He subsequently finds out that he was not offered the position because of stereo-typical assumptions about his mental health condition. This would be classed as direct discrimination by the employer as it is directly due to Michael’s disability
2. Louise has been offered promotion in her company and tells her boss that her mother, who lives with her, has become seriously disabled as a result of a stroke. Louise subsequently receives a letter advising her that the promotion has been withdrawn and another person, with less experience and qualifications for the role, is appointed to the job. This is direct discrimination against Louise because of her association with her mother who is disabled.

**Discrimination arising from a disability (new under the Equality Act 2010)** is when an employee is treated less favourably because of something connected with their disability.

#### **EXAMPLE**

Janet has had several periods of sickness absence over a period of two years due to her disability and the organisation has dismissed her. Janet may have a case against her employer as the sickness absence occurred as a result of the disability. However, unlike direct discrimination which if proven cannot be justified, an employer may be able to justify their decision to dismiss Janet.

**Indirect Discrimination (new under the Equality Act 2010)** is when an employer has a rule, policy, or practice that applies to workers which disadvantages people with a certain disability, compared with people who do not have a disability.

#### **EXAMPLE**

A Call Centre is introducing a new e-mail system for workers. Under the provisions of indirect disability discrimination the organisation would need to ensure that the system is fully accessible to workers with visual impairments.

**Harassment** is unwanted conduct relating to a person's disability, which has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that worker. A worker can also bring a case of harassment even if the behaviour is not directed at them and they are not disabled themselves.

#### **EXAMPLE**

Brian, who has a learning disability, has just started a new job. His manager makes constant reference to his disability, calling him "slow" and "stupid" often in front of Brian's colleagues. Brian asks the manager to stop and when he does not, raises the issue with a senior manager who does nothing to resolve the issue. Brian feels humiliated by this treatment and brings a case of harassment against his employer and manager. Wendy shares an office with Brian and she too is claiming harassment as the manager's behaviour has also created an offensive environment for her.

**Third Party Harassment** occurs where disabled workers are harassed by third parties who are not employed by the company, e.g. customers and clients. However, harassment will have to have occurred on two previous occasions (not necessarily by the same person), the employer has to be aware that the harassment has taken place, and have not taken reasonable steps to prevent it from happening again.

## EXAMPLE

Georgina works as a cashier in a bank and has returned to work after a stroke. She has recovered from the stroke well, but has a slight speech impediment. A customer has refused on four occasions to deal with her and has been insulting about her speech impediment. Georgina has asked the customer not to insult her, but his behaviour has continued. Georgina raises the issue with her manager, who tells her to ignore the customer, and refuses to speak to the customer about his behaviour. Georgina would be able to claim third party harassment as the behaviour has occurred on more than two occasions and her employer was aware of the harassment but has taken no action to stop it happening again.

**Victimisation** occurs where an employee is discriminated against because they have raised, or supported a grievance, in respect of disability discrimination.

## EXAMPLE

Ian has provided evidence of disability discrimination by a supervisor against a colleague in a grievance investigation by an employer. The grievance is upheld and the supervisor then constantly makes remarks to Ian about his lack of loyalty and puts pressure on him to take on extra work which he does not require of other members of staff. Ian could bring a case of victimisation against his employer and manager.



# Duty to carry out a Reasonable Adjustment

An employer has a duty to make a reasonable adjustment where a provision, policy or practice and/or any physical features of premises causes a substantial disadvantage for a disabled person in comparison with a worker who is not disabled. What is reasonable will depend on the circumstances of the employer, including costs, resources and how practical the changes are. Reasonable adjustments can include:-

- altering working hours;
- physical adjustments to premises;
- reallocating some duties to another worker;
- transferring a disabled person to another vacancy or another place of work;
- giving or arranging training to the disabled person or others; and
- acquiring and modifying equipment

The EHRC Employment Code of Practice adds further possible adjustments, including :

- permitting flexible working and allowing a period of disability leave
- participating in supported employment schemes such as Workstep
- employing a support worker to assist the disabled employee
- modifying grievance, disciplinary, redundancy selection & performance related pay procedures

Please remember that all disability discrimination employment tribunal claims at work must be brought within three months of the occurrence of the discrimination. In some cases discrimination may extend over a period of time to make up a continuing act and in this case a claim must be brought within three months of the last discriminatory act.

## **\*In the Irish Republic, Disability Discrimination is outlawed under the Employment Equality Acts 1998 and 2008.**

Disability is defined as including total or partial absence of bodily or mental facilities and functions; a condition, illness or disease affecting mental, physical or learning abilities.

An employer is obliged to take appropriate measures to enable a person who has a disability to have access to employment, to participate or advance in employment, or to undertake training unless the measures would impose a disproportionate burden on the employer

### **For full details of Disability Law, please refer to:**

**England, Scotland & Wales :** "TUC Guide – Disability And Work – A trade union guide to the law and good practice" or go to the Equality and Human Rights Commission web-site [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

**Northern Ireland :** "Equality Commission Guide – Disability discrimination law in Northern Ireland – a short guide" or [www.equalityni.org](http://www.equalityni.org)

**Irish Republic :** ICTU/IBEC Disability & Employment Guidelines  
[www.workway.ie](http://www.workway.ie)



# 10 THINGS TRADE UNIONS MUST DO TO END DISABILITY DISCRIMINATION

**It is unlawful for a trade union to discriminate against a disabled person as a member, or in the services and benefits provided.**

Unite the Union's policy supports the recommendation that unions should undertake a number of pro-active steps to avoid disability discrimination:

1. Audit the membership to find out where disabled members are, and what their needs are. **Please refer to:** pages 24 "Disability Monitoring and Members' Profile Form"
2. Carry out reasonable adjustments to the physical environment and premises for example to make them accessible for:
  - wheelchair users, sight- or hearing- impaired users, people with limited mobility, upper body strength and/or missing limbs, people with mental health conditions
  - if making an adjustment for a specific member, speak to the member to obtain their views
3. Carry out an access audit to identify any improvements that are needed  
**Please refer to:** pages 23 "Unite the Union's Disability Audit Checklist"
4. Seek the views of disabled members' committees on avoiding disability discrimination, and further expert, external advice where necessary  
**Please refer to:** page 30 "Contacts"
5. Have a disability policy – and ensure members and staff are aware of it and trained on it. **Please refer to:** pages 16–20 "Action Plan & Model Agreement"
6. Ensure collective agreements do not have terms that discriminate against disabled people (for example on redundancy and sickness leave), and instead promote disability equality
7. Ensure meetings, conferences, etc, are held in buildings that are accessible, and that note-taking or sign-language interpreters are available when needed. **Please refer to:** page 21 "Checklist for Workplace/Branch Participation."
8. Ensure that union written materials, circulars/notices, and website materials are accessible through use of large print, different colours, and Braille or tape-recordings if necessary
9. Ensure telephone services are accessible through use of typetalk, textphones, or email
10. When introducing new buildings, IT systems, make sure they are accessible **Please refer to:** pages 4–9 "Disability Discrimination is Unlawful"

# Unite guidance for negotiators, branches and reps

- **disability rights at work**
- **the active participation of disabled members**

## Introduction

This disability rights guide is about organising and winning for disabled workers. It provides ideas and suggestions to increase the number of disabled members involved in workplace and branch life, as well as to improve the participation of disabled members who may already be involved in the union. It contains checklists and an action plan to review progress.

Disabled members can and do become workplace reps : shop stewards, health and safety reps, equality reps, disability champions, and branch officials. Unite's Regional and Disabled Members Committees have full constitutional status. There are disabled members elected to every level of the union. However there is a long way to go before disabled people – who make up 1 in 7 of the total UK population, and half of whom are working – are fully represented within Unite and the workplace.

The union's commitment to equality is part of Unite's rules and disability equality policy has been agreed by Regional and National Disabled Members Conferences and Committees and by Unite Policy Conference.

## **This Guidance for negotiators, branches & reps covers:**

- Disabled members participation – sustained efforts, first steps
- Disability audits at the workplace
- meetings organising disabled members: one to one approaches
- involving new members
- disability champions and union equality reps

## Disabled members participation

In seeking to improve disabled members' participation in branch and workplace life, many branches will face one of two immediate problems.

- it may be that disabled members have only been involved as members with no experience as workplace reps or in the committee structures of the union
- it may be that the branch has problems in identifying disabled members who are active at all

In either case, action needs to be taken immediately and then sustained over the long term to increase the participation of disabled members.

Many of these steps can be also taken in a general drive towards 100% organising, branch regeneration and improving the diversity of workplace reps – to boost the overall level of membership, workplace and branch activity and participation in the union of both disabled and non-disabled members. However the specific requirements to increase disabled members' organisation and involvement need to be at the centre of the activities. If there are few disabled members and the workplace is not 100% organised, you could open up some of these suggestions (meetings, etc) to disabled non-members as well to encourage them to join.

## **Sustained effort**

The union at the workplace and in the branch may need to try out some approaches over a long period of time before seeing any results. Confidence and interest need to be built up steadily. Above all, be prepared to talk to and listen to disabled members themselves.

## **First steps**

Make sure that the members in the workplace and the Branch are fully in support of improving disabled members' participation.

Put disabled members' representation and participation on the workplace/branch agenda, for a full discussion. You could invite the Regional Women's & Equalities Organiser, or a member of the Regional Disabled Members Committee, to speak or arrange to show a film.

Disabled members representation and participation will need to be reviewed regularly, and so should become a regular workplace/ branch agenda item.

# Disability audits at the workplace

In order to tackle any barriers that might get in the way of ensuring the full and active participation of disabled people, the first step for our union reps is to carry out a workplace audit.

**Please refer to:** Pages 23–30 Unite's Disability Equality Audit Checklist; see also Unite's Guide to Disability Audits – why do we need them?

## **Branch meetings**

The first issue to review is the actual conduct of branch meetings. The key question is do meetings encourage participation by disabled members, or do they act as a barrier to greater involvement in the union?

**Please refer to:** Pages 23 Unite's Disability Equality Audit Checklist; see also Unite's Guide to Disability Audits – why do we need them?

## **Checklist for workplace/branch participation**

**Please refer to:** Checklist for branch participation page 21, see also Unite's Guide: "Using Appropriate Language"

## Meeting our legal obligations

Unions now have a strong legal obligation under the Equality Act, (Disability Discrimination NI Order and Employment Equality Act Irish Republic) to make sure that disabled people are can fully participate in the union. Unite has a national Access Compliance Group which can offer you advice. Advice is also available from the Equality & Human Rights Commission ([www.ehrc.org.uk](http://www.ehrc.org.uk)). Disabled members themselves will often be the best source of advice. Rather than making assumptions about what access needs disabled people have, talk to them and find out, or to take them round the venue where branch/workplace meetings are held, and have them point out any access problems that need resolving.

**Please refer to:** Disability Discrimination at Work is Unlawful pages 4-9, see also TUC Disability And Work – A trade union guide to the law and good practice

Unite encourages disabled members to advise us of their disabled status. This information is confidential and will not be shared with employers. Some disabled members will be nervous of revealing this, (although those with more visible impairments have less choice in the matter) and others – in fact up to half of those covered by the disability parts of the Equality Act – do not actually consider themselves ‘disabled’.

There is still a lot of prejudice, discrimination and stigma attached to the reality and even the word ‘disabled’ – this is one of the reasons that disability rights groups often talk about ‘the social model of disability’ which states that people are disabled by society’s attitudes to them, and not by their own bodies.

No-one should ever be forced to be reveal their disabled status, either to their employer or to the union, if they do not want to, but it may have a bearing on the things they need to do their job well, and for the union, it helps us to know if our policies are helping more disabled people get into, and stay in, work.

**Please refer to:** Unite’s Disability Monitoring and Members Profile Form page 22, see also Unite’s Guide to Disability Equality : The Social model

## Organising disabled members

Where the branch cannot identify any active disabled members, the main action must be to start a process of generating interest in the union combined with one to one approaches to individual members.

- Speak with disabled members who are already active in other areas
- Choose one or two target workplaces or sections of a workplace where disabled people work
- Approach the workplace rep/shop steward and start joint work with him or her (or team of stewards)
- Draw up a list of workplace issues which are of concern to the members / workers (which may or may not be concerns specific to disabled members)
- Organise a lunchtime (end of shift etc) meeting at the workplace or nearby
- Organise a visit from the Regional Officer, the Regional Women’s & Equalities Organiser or Regional Disabled Members’ Committee
- Make sure that those workplaces start getting all Unite the Union’s publications, including Unite Disabled Members’ information, and that leaflets and posters are available

- Invite any interested disabled members to an induction session organised for them - see section Involving New Members
- Personally invite individuals to a branch meeting (offering lifts etc) – make sure the agenda for the meeting is interesting!
- Promote education courses and try to get time-off negotiated for the individuals
- Try to organise shadowing so that members have the chance to shadow the work of a workplace rep or branch secretary. Or just do this partially so that the member is invited to a few meetings and time is taken to explain the background to discussions. This may be particularly useful as a confidence-booster to an enthusiastic member who is being nominated for a committee position, but lacks some experience or confidence
- Consider establishing other networking opportunities, e-groups, etc, to establish mutual support mechanisms
- Designate members to keep in touch with newly active members and keep them informed of meetings, courses, activities, new campaigns and materials, etc, in a way that is accessible to them.
- Consider creating the post of a union equality rep/disability champion at the workplace and attend Unite's education courses

## One to one approaches

**Where workplaces/branches have a few disabled members involved in union work, workplace reps/the branch could consider the following:**

- Draw up a list of all active disabled members and their current union duties and work (talking with or writing to all reps and branch officers representing the membership may help with this)
- Divide up the list and allocate a few members to reps/activists/branch officers
- Arrange one-to-one discussions with disabled members about their work in the union, explaining the branch's need to get disabled members involved plus what's available in terms of posts /seats /activity and ask if they would be willing to get involved
- If you are looking for disabled members for nomination to a specific committee, organise a briefing session (or informal training) on the work of the committee, asking the officer, or the committee chair or another delegate, to undertake this. Personally invite all the active disabled members identified. This could also be done jointly between branches or at activist area level.

## Involving new members

When a member does express interest in union activity or comes along to a workplace/branch meeting, it is important to ensure they will want to return.

The workplace reps/branch can take some steps to ensure that it is equipped to do this:

- Organise a session – outside the meeting – to brief newly active members about the union, how meetings are conducted; when and how they can raise issues, what's been discussed recently; powers and role of workplace reps/the branch – who is represented, key bargaining issues, motions, community and Trades Council involvement, influence with Labour Party, anti-cuts campaigning etc.

- Designate members to keep in touch with newly active members – let them know what's going on, encourage them to go on education courses, invite them along to activities, send them latest materials and tell them what's available, introduce them to other members, and maintain an interest in what's happening in their workplace, or work section
- If the branch does not organise much activity itself outside meetings, ensure that you know what's going on in the activist area or region for members, especially young members, to get involved in. Or organise some recruitment or campaign activities to encourage participation
- Give newly active members jobs to do, or some responsibilities, or consider creating union equality rep, disability champion, or another post which will be useful for the workplace/ branch
- Making sure that members get sufficient support (e.g. through Unite Regional Officer) in negotiating time-off for their union involvement – Use the Unite Union Equality Reps Toolkit
- Try to organise a 'shadowing' approach either at the workplace or within the branch. A member shadowing the work of a rep/shop steward, or the branch secretary, could generate interest in the union. It may be possible (even with limits on union facilities) to do this partially, so that a member is invited to a few of the meetings and time is taken to explain the background to discussions. This may be particularly useful as a confidence-booster to an enthusiastic member who is being nominated for a committee position, but lacks some experience.

## Union equality reps and disability champions

One way to help ensure that disabled members' participation and representation is maintained under review is to establish a union equality rep/disability champion at the workplace and/or branch.

### **Union Equality Reps and Disability Champions can have specific responsibility to:**

- Provide support for disabled members at work, for example working with reps in identifying and negotiating reasonable adjustments or disability leave, or in dealing with bullying and harassment, or on more personal areas such as health, welfare and benefits issues
- Monitor disabled members participation in the Branch/workplace
- Identify where disabled people work and organising targets
- Encourage disabled and non-disabled members to complete the Disability Monitoring and Members profile form
- Support newly active disabled members and encourage their further involvement
- Encourage workplaces to carry out Disability Audits
- Suggest Branch/workplace activities to encourage participation, recruitment and organisation
- Keeping the branch up-to-date on disability equality policies and campaigns, and supporting branch activists and reps in disability equality issues
- Support, information and advice for Branch/workplace equality officers is available from the Regional women's & Equalities Organiser

# UNITE DISABLED MEMBERS

## UNITE THE UNION STRUCTURES

- **Unite National Disabled Members Committee, and 10 Regional Disabled Members Committees**
- **Unite National Disabled Members' Conference, and 10 Regional Disabled Members Conferences**
- **Representation of Regional Disabled Members' Committee on each Regional Committee**

## UNITE THE UNION AIMS

**Campaigning for:**

- **Full civil rights for all**
- **Disability access at work and in the wider community**
- **An end to cuts, targeting of disabled people, and hate crime**
- **An effective voice within the union**

## UNITE is a union for disabled workers like **YOU**

Contact details for Regional and National Disabled Members' Committees on page 30



# Unite Disability Equality Workplace Action Plan & Model Agreement

**Unite the Union and \_\_\_\_\_ (employer) agree to the following 8-point Action Plan to give effect to the attached Disability Equality Agreement.**

**In order for the Agreement to be fully implemented, the following action plan, developed by both parties to the Agreement (\_\_\_\_\_ and Unite the Union) will be followed:**

1. Named Managers/Supervisors will be responsible for the implementation of each element of this policy
2. The Employer and the Union will work together to review existing agreements, policies and procedures with the aim of eliminating both direct and indirect discrimination
3. A workplace disability access audit will take place to include access to the building and all facilities such as toilets, canteens, social events. It will also include access to language, information and workstations
4. An audit will take place to include, numbers of disabled workers, area of work, specific improvements and, any adjustments made, numbers of applicants with disabilities, numbers of applicants taken on and if not, why not and numbers of disabled workers applying for promotion and training with results and reasons. Disabled people shall be involved in the audit
5. Based on information from the audit, targets shall be set to measure success of positive action
6. All staff involved in recruitment and selection shall be given guidance and training to make sure that the process is discrimination-free
7. Trade Union representatives including union equality reps and disability champions will have reasonable paid time off to carry out their role and to attend union disability and equality courses

**8. This Agreement will be widely publicised**



# UNITE THE UNION MODEL AGREEMENT ON DISABILITY EQUALITY

## **STATEMENT OF INTENT**

There should be a statement confirming that the parties to the Agreement (the Employer and the Union) are committed to disability equality and equal opportunities for ALL, including those who have a physical, mental or sensory impairment that this will apply to the operation and implementation of all policies, recognising responsibilities in relation to disability under the Equality Act 2010 and related codes of practice.

The employer is committed to equality for all disabled employees including those with a condition that is intermittent, may recur in future but has not done so for a time or where it may not yet have lasted twelve months.

The employer shall recognise that in some cases the likely level of absence may be unpredictable and therefore must review this form of absence, reasonable adjustments, and consideration point, whenever circumstances change, and shall be flexible in management of such cases.

## **EMPLOYMENT PRACTICE**

### **Recruitment**

All job applicants will be assessed on the basis of suitability for the job without disability discrimination. No question related to disability shall be asked prior to interview, apart from ensuring disability access. Applicants who are suitable for the job at the time of interview will not be placed at a disadvantage because they have an impairment.

### **The Placing of Advertisements**

To encourage disabled people to apply for vacancies, adverts will be placed in the disability press and other places where a wider audience can be reached.

Recruitment information will be available in alternative formats, such as large print, Braille and audio, when requested. All advertisements will include a commitment to providing reasonable adjustments, a statement on equal opportunities for all and the "two ticks" Disability Employment Symbol.

### **Interviews**

For candidates with particular access requirements, reasonable adjustments should be made and panel members will receive equal opportunities training and education on disability equality.

### **On Employment – Reasonable Adjustments**

A commitment to make reasonable adjustments, as required, on appointment. Examples of reasonable adjustments include:

- Making adjustments to premises
- Allocating some of the disabled person's duties to another person
- Transferring him/her to fill an existing vacancy
- Altering hours of working or training

- Assigning him/her to a different place of work or training
- Allowing for absence during working or training hours for rehabilitation, assessment or treatment
- Giving, or arranging for, training or mentoring (whether for the disabled person or any other person)
- Acquiring or modifying equipment
- Modifying instructions or reference manuals
- Modifying procedures for testing or assessment
- Providing a reader or interpreter
- Providing supervision or other support



### **Retention**

The employer and the union agree that making reasonable adjustments should ensure the retention of the disabled employee without financial loss.

### **SICKNESS ABSENCE**

A commitment that disability related sickness absence shall not be used as part of any criteria for redundancy, disciplinary, promotion, or performance appraisals and nor shall it be used to reduce pay. Such absences shall not be counted towards any 'trigger points' or action levels within any sickness absence management policy.

The employer and the union shall agree on any necessary action or procedures in special circumstances.

### **DISABILITY LEAVE**

A commitment to provide paid disability leave to ensure:

- Sufficient time and help to adjust to changed circumstances
- Paid time off to allow reasonable adjustments to working conditions and arrangements to be made. This leave shall not be recorded as sickness absence.
- Counselling and support
- Paid time off for medical appointments

The employer and the union shall agree on a flexible approach that is related directly to the circumstances of individual employees especially in terms of time limits.

Absence for reasons associated with disability will be recorded separately from sick leave, and in no case will disability-related leave be used as part of any criteria for redundancy, disciplinary, promotion, or performance appraisals.

Following on from this a further meeting will be arranged with the employee, the line manager, the Personnel Manager or occupational health staff, the union representative and any other specialists nominated by the Union to:

- (a) assess the possibility of a phased return to work, if requested
- (b) assess the potential for the employee to carry on with their own job
- (c) assess any adaptations or training which may be required

- (d) where it is agreed, if necessary, alter duties, including working hours or offer alternative job, including, where appropriate, a more senior position without competitive interview
- (e) where none of the above apply, recommend alternative action including early/medical retirement, ensuring that this is done in the most beneficial way for the worker and respecting disability rights

### **SPECIAL LEAVE**

All those who have a responsibility caring for disabled relatives or dependents, shall be able to make changes to working hours and take reasonable paid time off. Those with caring responsibilities shall be entitled to additional special and compassionate bereavement leave.

### **BENEFITS AND SERVICES**

All workers are entitled to work benefits and services without disability discrimination. All facilities, including toilets, rest rooms and canteens, and social facilities and events whether at or away from the workplace, shall be fully accessible and we shall consult with disabled employees, the relevant trade union and disability organisations when alterations are to be made to buildings, IT and telecommunication systems, and other facilities.

For our occupational pension scheme, we shall use the pension provider that offers the best package and seek full actuarial advice and/or medical evidence if a facility cannot be offered due to an employee's disability.

### **CAREER DEVELOPMENT**

All workers applying for promotion or training shall be considered on their merit and shall not be discriminated against on the basis of their disability. For the purpose of promotion and training, reasonable adjustments shall be made including alterations to venues for training, provision of accessible materials and providing a signer or induction loop. Where disabled people are under-represented, positive action – for example training and recruitment activity targeted specifically at disabled workers – shall be taken.

### **EDUCATION/TRAINING**

All Managers and staff shall be made aware of this policy on disability and equality, and education and training courses shall be provided. The Union shall be involved, and union reps, including union equality reps and disability champions shall be given reasonable paid time off to carry out their responsibilities and for training.

### **HEALTH & SAFETY**

All workers shall have equal access to all health and safety provision. Safety inspections and risk assessments will include disability and access issues and specific safety requirements of disabled workers. Health & safety arrangements shall not be used to justify discrimination against disabled people.

### **HARASSMENT/BULLYING**

The employer aims to provide a safe and supportive environment for all workers. Any harassment or bullying such as taunts, mental and physical abuse, unfair allocation of work, deliberate exclusion from normal workplace conversation or social events, based on a person's disability, will be taken very seriously and regarded as a matter for disciplinary action, in line with the grievance and disciplinary procedures.

Any individual raising a grievance on harassment or bullying shall have the right to be accompanied by their trade union representative.

# CONFIDENTIALITY

Information about an employee's disabled status, including fluctuating or progressive conditions e.g. HIV status, mental health and MS, however obtained, will be kept confidential and will not be disclosed to anyone without the individual's written consent.

\*Any breaches of confidentiality by any member of management or individual employee will be treated as a serious offence and subject to disciplinary procedures.

\*It is recognised that in certain areas of work there are legal requirements related to the public interest and the wording here should be adapted to reflect this.

## **Procedural Agreements**

All procedural agreements shall apply equally to all staff, without disability discrimination. In particular, correct procedures for selection for redundancy, disciplinary and grievance shall be followed.

Any worker who believes that they are at a disadvantage due to the failure to implement this Agreement, or any other discrimination based on their disability, should make a complaint, which shall be dealt with fully and sensitively through the existing grievance procedure.

**THIS AGREEMENT WILL BE BROUGHT TO THE NOTICE OF ALL NEW AND EXISTING EMPLOYEES AND WILL BE WIDELY CIRCULATED THROUGHOUT THE WORKPLACE TO RAISE AWARENESS, PREVENT DISCRIMINATION AND TO PROMOTE A WORKING ENVIRONMENT OF RESPECT AND DIGNITY FOR ALL.**

Signed \_\_\_\_\_

*on behalf of the Trade Union*

Signed \_\_\_\_\_

*on behalf of the Employer*

# Checklist for workplace/branch participation

	YES	NO
Can disabled members get to the meetings?	<input type="checkbox"/>	<input type="checkbox"/>
Is there sufficient disabled parking at the venue?	<input type="checkbox"/>	<input type="checkbox"/>
Are sign-language interpreters or note takers made available when needed?	<input type="checkbox"/>	<input type="checkbox"/>
Are the meetings held in rooms that are accessible to wheelchair users and other mobility or sensory-impaired people?	<input type="checkbox"/>	<input type="checkbox"/>
Is it accessible by public transport?	<input type="checkbox"/>	<input type="checkbox"/>
Could lifts be organised?	<input type="checkbox"/>	<input type="checkbox"/>
Is the venue for meetings off-putting?	<input type="checkbox"/>	<input type="checkbox"/>
Should it be held at a different time, for example, avoiding rush hour?	<input type="checkbox"/>	<input type="checkbox"/>
Can the committee or branch provide a caring /childcare /babysitter allowance?	<input type="checkbox"/>	<input type="checkbox"/>
Do disabled members know about caring / childcare allowance?	<input type="checkbox"/>	<input type="checkbox"/>
Do disabled members get notices of meetings and activities?	<input type="checkbox"/>	<input type="checkbox"/>
Are notices available in different formats, including large print, Braille, different colours, or tape-recordings? For example people with dyslexia may find it easier to read print on a green or blue background	<input type="checkbox"/>	<input type="checkbox"/>
Does the branch have a social side e.g. a buffet or drink after the meeting, or an occasional fundraising social, disco or film?	<input type="checkbox"/>	<input type="checkbox"/>
Are branches conducted in an open, friendly style?	<input type="checkbox"/>	<input type="checkbox"/>
Is jargon avoided or explained?	<input type="checkbox"/>	<input type="checkbox"/>
Are discriminatory comments challenged when made?	<input type="checkbox"/>	<input type="checkbox"/>
Are telephone services accessible through use of typetalk, textphones, or email?	<input type="checkbox"/>	<input type="checkbox"/>
Are debates organised around a variety of union issues? Is the meeting interesting?	<input type="checkbox"/>	<input type="checkbox"/>

# MEMBERS PROFILE FORM

## Sign up and support disabled members at work

**Unite the Union represents all workers. We are campaigning to make all workplaces accessible and to ensure equality for disabled workers and workers who develop physical and mental impairments during their working lives.**

This information is for monitoring so that we can better know how many disabled members we have, and will be treated as confidential.

**YES NO**

I consider myself to be disabled (\*)

I would like to be involved in the campaign for disability access to all workplaces

I would like to become a Disability Champion @ Work

I require assistance so I can fully access the union's facilities (for example when attending meetings or receiving written materials) To overcome an Impairment related to: Please specify (eg induction loop, wheelchair access, large print materials)

Hearing

Sight

Mobility

Mental health

Learning difficulties

Other (\*)

Name

Address

Workplace

Membership no.

**I am a : workplace rep/shop steward/safety rep/union equality rep/union learning rep/disability champion/other** (please specify) *(please underline as applicable)*

Tel number

Mobile

e-mail

**I am particularly concerned about the following equalities issues:**

(\*) the Equality Act 2010 and defines disability as any condition or impairment which has a significant and lasting impact on your day to day life (or would have, if you were not receiving treatment or other forms of assistance). This is also the definition in the Disability Discrimination NI Order.

*In the Irish Republic, disability is defined as including total or partial absence of bodily or mental facilities and functions; a condition, illness or disease affecting mental, physical or learning abilities.*

# UNITE THE UNION DISABILITY EQUALITY AUDIT

## Checklist

**Name of Workplace:**

---

**Address:**

---

---

---

**Region:**

**Branch:**

---

**Industrial Sector:**

---

**Name of person completing audit:**

---

**Union position(s):**

---

**Address**

---

---

**Tel:**

**Mobile:**

---

**Email:**

---

**Date:**

---

**REVIEW DATE SET:**

---

*Checklist available on email or in other formats from:  
[equality@unitetheunion.org](mailto:equality@unitetheunion.org)*

# UNITE THE UNION

## DISABILITY EQUALITY AUDIT

### Checklist

Use this checklist to help you carry out a disability equality audit at your workplace.

The audit has 3 stages :

**STAGE 1** CHECK DISABILITY EQUALITY AT YOUR WORK-PLACE NOW

**STAGE 2** IDENTIFY ACTION NEEDED

**STAGE 3** CONFIRM TIMETABLE TO MONITOR PROGRESS

#### STAGE 1: Check Disability Equality at your Workplace now

1. Is the workplace accessible to and safe for disabled people using wheelchairs or with mobility, hearing or vision impairments through measures such as:

	YES	NO
• lift design	<input type="checkbox"/>	<input type="checkbox"/>
• ramps	<input type="checkbox"/>	<input type="checkbox"/>
• rails	<input type="checkbox"/>	<input type="checkbox"/>
• parking facilities	<input type="checkbox"/>	<input type="checkbox"/>
• toilet and washroom design	<input type="checkbox"/>	<input type="checkbox"/>
• visual/audible signs	<input type="checkbox"/>	<input type="checkbox"/>

If you answered YES to any of the questions, please give details:

If you answered NO to any of the questions, please list access and safety issues identified:



## 2. Do disabled people get jobs at your workplace?

YES/NO/DON'T KNOW/DEPENDS

If you answered YES, please give details:

If you answered DON'T KNOW, the following information may help you find out:

- Employer's equal opportunities monitoring
- Annual Report information – providing information on employment of disabled people
- UNITE THE UNION membership equal opportunities monitoring information

If you answered DEPENDS, please indicate why:

## 3. Do workers who become disabled keep their jobs?

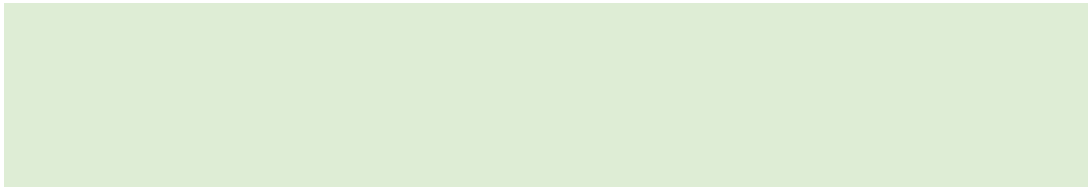
YES/NO/DON'T KNOW/DEPENDS

If you answered YES, please give details of procedures followed, or examples:

If you answered NO, please give details of what does happen, or examples:

If you answered DON'T KNOW, you may find it helpful to check with other workers and workplace reps/shop stewards

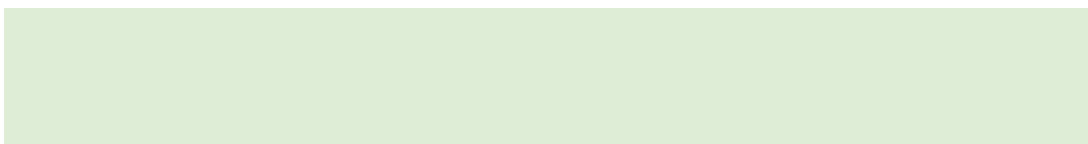
If you answered DEPENDS, please indicate why:



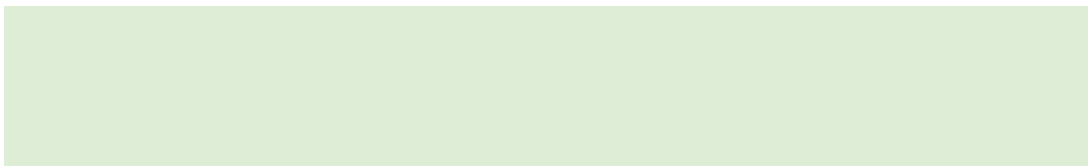
**4. Do disabled workers at the workplace have equal pay, conditions, training and promotion opportunities?**

YES/NO/DON'T KNOW/DEPENDS

If you answered YES, please give details of how you have checked this, including the involvement of disabled workers:

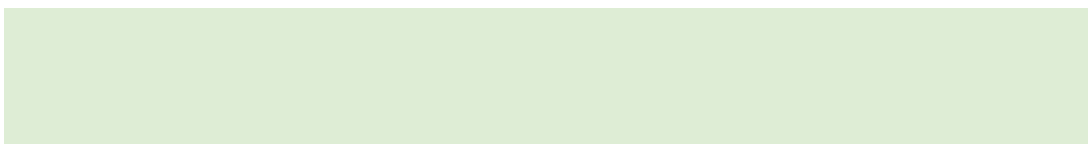


If you answered NO, please give details of how you have checked this, including the involvement of disabled workers:



If you answered DON'T KNOW, it will be helpful to identify how to check this, including the involvement of disabled workers

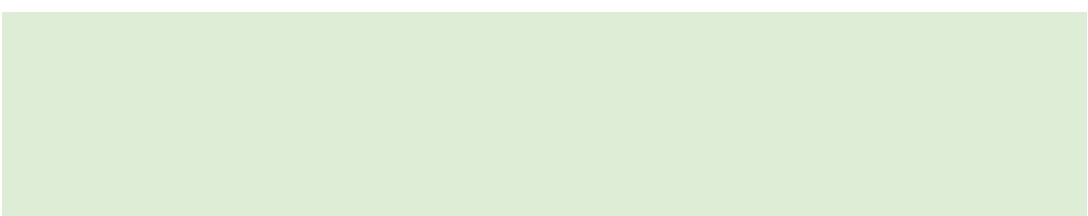
If you answered DEPENDS, please give details of which disabled people:



**5. Do disabled workers suffer harassment on grounds of disability?**

YES/NO/DON'T KNOW/DEPENDS

If you answered YES, please give general details or examples:



If you answered NO, it would be helpful to check how a worker suffering harassment on grounds of disability could raise this, and give details:

If you answered DON'T KNOW, the experiences of disabled workers are needed.

**6. How do you ensure that disabled workers are fully involved in the union?**

Please give details of any action taken:

If no action has been taken, check through the Unite Disability Equality Rights at Work Guide to assist you. It includes legal responsibilities as well as best practice.

Tick here, and we will send you a copy

**7. Is there an equal opportunities policy with a commitment to equal opportunities for disabled workers?**

YES      NO

If you answered YES, please attach a copy to the audit

If you answered YES or NO, Unite's Model Disability Equality Agreement should assist you (available from your Regional Women's & Equalities Organiser)

Or tick here, and we will send you a copy

**8. Has the employer signed up to the “TWO TICKS” Disability Symbol?**

YES  NO

If you answered YES, it will be helpful to check when this happened, whether the 5 commitments are carried out as required, and when it was last checked. Please give details :

If you answered NO, the Department for Work & Pensions Guide to the Disability Symbol should assist you in approaching the employer about this (available from Job Centre Plus)

**9. Is there a policy of Disability Leave at your workplace?**

YES  NO

If you answered YES, please attach a copy

If you answered NO, Unite’s Model Disability Equality Agreement should assist (available from Regional Women’s & Equalities Organisers)

Or tick here and we will send you a copy

**10. Are you confident that the employer, union reps and members are aware of disability equality law, employment support and best practice?**

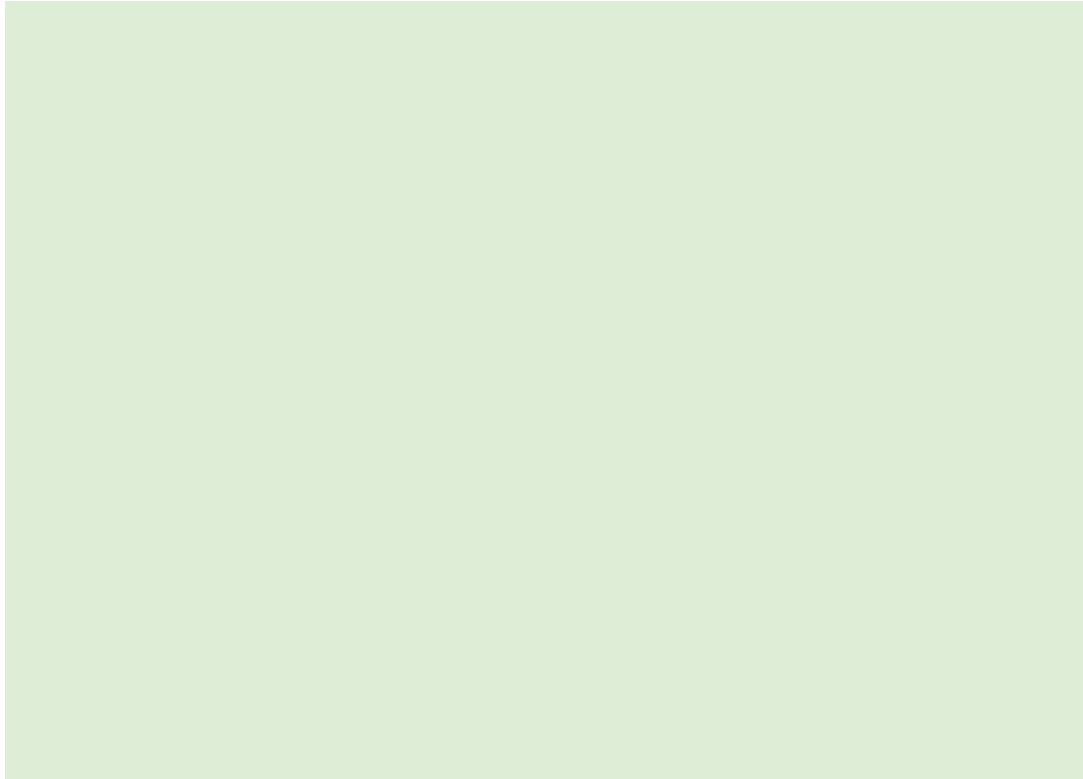
YES  NO

If you answered YES, please give details of how this has been achieved:

If you answered NO, Unite’s Education service can assist through national, regional and workplace courses (contact your Regional Education Organiser).

## **STAGE 2: Identify Action Needed**

Looking back through the answers to the 10 questions in Stage 1, list the Action Needed.



## **STAGE 3: Confirm Timetable to Monitor Progress**

Agree the timetable for carrying out the action and carry it out.

**Please send a copy of your completed Unite  
the Union Disability Equality Audit checklist to:  
Equalities  
Unite the Union  
Unite House  
128 Theobalds Road  
London WC1X 8TN**

***THANK YOU***

# UNITE'S NATIONAL DISABLED MEMBERS COMMITTEE

The National Disabled Members Committee meets every 3 months and one of its priorities is to review Disability Equality Audits carried out. The Committee is made up of members elected from Regional Disabled Members Committees to represent English regions, Scotland, Wales and Ireland.

## REGIONAL DISABILITY CONTACTS

Sue Pollard	North East YH	0113 236 4830
Natalia Stepnowska	West Midlands	0121 553 6051
Maureen Scott-Douglas/ Kevin Hepworth	East Midlands	0133 254 8400
Karen Cole	South West	0117 923 0555
Sharon Wentworth	South East	0118 402 6810
George Dodo-Williams	London & Eastern	020 8800 4281
Taryn Trainor	Ireland	
	Belfast	028 90 232381
	Dublin	00353 (0)1 8734577
Elaine Dougall	Scotland	0141 404 5424
Mel Whitter	Wales	02920 394 521

## NATIONAL DISABILITY CONTACTS

[www.unitetheunion.org/equalities](http://www.unitetheunion.org/equalities)

National Officer for Equalities: **Harish Patel**

Assistant General Secretary for Equalities: **Diana Holland**

[equality@unitetheunion.org](mailto:equality@unitetheunion.org)



Original Message  
From: Paul Appley  
Sent: 20 February  
Subject: ...  
I need a stool or ...  
Cheers  
Paul Appley, MCIPD  
Head of Diversity Works  
07780 701 800  
-----Original Message-----  
From: Barry Hayward  
Sent: 17 February 2008 15:30  
To: Paul Appley  
Subject: ...  
... Gary Birkenhead, Joe Bennett, Andy Rickell

# Fingerspell

Aa	Bb	Cc	Ee	Ff	Gg
Kk	Ll	Pp	Qq		
Uu	Vv	Ww	Zz		



[www.unitetheunion.org](http://www.unitetheunion.org)