

**There is a Better Way**

**SCOTTISH TRADES UNION CONGRESS**

**7<sup>th</sup> STUC DISABLED WORKERS'  
CONFERENCE  
SATURDAY/SUNDAY  
20 / 21 NOVEMBER 2010**

**DECISIONS**

## **1. MOTIONS CARRIED**

### **Resolution No. 1 - Employment of People with Learning Disabilities**

“That this Conference notes that only around 10 per cent of people with learning disabilities in Scotland are in paid employment, meaning that the vast majority is reliant on Income Support and, in some cases, other benefits such as Disability Living Allowance. This despite the fact that that 65% of people with learning disabilities would like a paid job.

“Conference further notes that the welfare system continues to be an obstacle to the transition to work for many, particularly those living in staffed accommodation or working limited hours.

“Conference believes that, even people with profound and complex disabilities, should not be excluded from the world of work.

“Conference also believes that it is vital that the public sector organisations set an example by becoming exemplar employers of people with learning difficulties.

“Conference calls on the Disabled Workers’ Committee to:

- work with appropriate devolved and non-devolved public bodies to promote employment opportunity for people with learning disabilities; and
- lobby business umbrella organisations to promote a positive approach to providing meaningful employment opportunities for people with learning disabilities;

### **Resolution No. 2 - Scottish Defence League**

“That this Conference acknowledges and appreciates the excellent work the General Council has done so far in opposing the so-called Scottish Defence League, with the routing of the fascists in Glasgow, Edinburgh and Kilmarnock. Conference calls on the General Council to continue this work and in particular to highlight the threat fascist ideology poses to people with disabilities.”

### **Resolution No. 3 - The Big Society: Devastation of Disabled People's Rights**

“That this Conference believes that the current recession will have a significantly more negative impact on disabled workers and services provided to disabled people.

“It is catastrophic that in the 21st Century almost 50% of disabled people are not in work and that disabled people who are long term unemployed are more likely to reach retirement age, or die, than achieve a single day's paid work.

“Fears for jobs may stop people telling their employers that they are disabled, which could leave disabled workers struggling to cope without the help they are entitled to as reasonable adjustments under the Disability Discrimination Act. Employment rates for disabled people have improved since the last recession, with approximately 80% of disabled people being employed in public services; urgent action is required to stop the clock from turning back.

“There is also concern that many voluntary organisations may be hampered from speaking out about the impact cuts will have on the services they currently provide for fear they may lose crucial funding. The voluntary sector is also at risk of changes in its role, as free market policies are driving them from being the advocate of disabled people's rights to becoming a commercial competitor in the Government's harsh welfare reform programme.

“Conference, therefore, calls on the STUC Disabled Workers' Committee to work with the General Council to:

- put pressure on employers to make sure they meet their duties under the Equality Act; and
- ensure the Scottish Government, local authorities and health boards are taking steps to keep core services to disabled people running through the recession.”

## **Composite A (covering Motions 4 & 5) - Public Sector Budget Cuts and People with Disabilities**

“That this Conference rejects the Government’s savage attacks on public spending and their significant negative impact on disabled workers.

“Conference believes that people with disabilities face many obstacles in employment and are particularly vulnerable when job losses, including redundancies, are being considered by employers. Conference is also concerned that protections contained in the Equality Act 2010 relating to access to employment for people with disabilities, could become eroded as the full impact of budget cuts starts to take effect.

“Conference believes that the removal of funding for Access to Work in the civil service is particularly concerning and that all employers should ensure:

- there are policies, systems and processes in place offering full support to disabled staff;
- all line managers are fully trained and offered guidance in supporting disabled employees;
- staff are made fully aware of the support available;
- full use of Access to Work expertise; and
- effective monitoring systems are established and maintained jointly with recognised trade unions where practicable.

“Conference calls on the STUC to launch a campaign to address these concerns.

“Conference urges the STUC Disabled Workers’ Committee to:

- support the position adopted by the EHRC and highlight the need for full enforcement and strengthening of employers’ responsibilities under the DDA;
- highlight with affiliates the likely impact of budget cuts on people with disabilities;

- campaign with affiliates and in wider society to ensure that the rights of people with disabilities are understood and upheld;
- highlight the need for full implementation of the public duty to promote equality for disabled people;
- seek to ensure that the full terms of the Equality Act 2010 are implemented, with particular reference to the rights of people with disabilities;
- raise with Scottish Government and local authorities the requirement that the rights of people with disabilities should be upheld and not eroded at a time of budget reductions; and
- lobby MPs/MSPs to reject any legislative changes resulting in a negative impact on disabled workers and their situation.”

### **Resolution No. 6 - Attacks on DLA Claimants**

“That this Conference condemns the announcement in the emergency budget by the Con Lib Government in June, where all future DLA claims existing and new will be subject to an independent medical scrutiny.

“Conference calls on the STUC Disabled Workers’ Committee to mount a campaign, highlighting the dangers of this policy in regard to DLA claimants.”

### **Amended Resolution No. 7 - Disabled Workers and Employment**

“That this Conference condemns all forms of disability discrimination and congratulates the achievements led by the STUC Disabled Workers’ Committee to strengthen rights to protection from disability discrimination in the workplace.

“Conference also recognises and condemns that, in the current economic climate, disabled workers in Scotland have been facing additional bullying and discrimination, including unfair selection for redundancy and cases of capability that are linked to disability.

Conference is further concerned that:

- disability discrimination prevents men and women getting and staying in work;
- fear and lack of information are still major factors in many workplaces in Scotland;
- many disabled workers and their employers are not aware of rights to reasonable adjustments, and financial support available to assist them to remain in employment;
- disabled people considering a career in education are discouraged, because of the barriers in place; and
- hate crime is rising through the lack of understanding and training in relation to disabled workers requirements in workplace agreements, such as redundancy, sickness and absence policies which still discriminate against disabled workers.

“Conference calls on the STUC Disabled Workers’ Committee and the General Council to:

- ensure disability discrimination continues to be a priority for all affiliates;
- work with employers and trade unions to ensure that premises are accessible for all workers including disabled workers;
- promote disability rights and model policies that can be used by affiliates;
- ensure the issue of hate crime against disabled workers is highlighted as a workplace issue and, therefore, must be included in the bargaining agenda; and
- hold an awareness seminar for reps and disabled workers around the Equality Act 2010 and what this new Act means for disabled people in Scotland.”

### **Resolution No. 8 - Unemployment Amongst Disabled People**

That this Conference is seriously concerned that, despite fifteen years of Disability Discrimination Law and European Equality Law, disabled people still remain the highest unemployed group among those seeking employment.

- up to two million people in the UK have a serious sight problem;
- 800 people lose their sight every week;
- 90% of blind people over the age of sixty have an income less than half the national average; and
- 75% of visually impaired people of working age are unemployed.

“The Royal National Institute for the Blind, Guide Dogs for the Blind and other groups continue to campaign for equality for all disabled workers. Conference calls on the Disabled Workers’ Committee to campaign alongside these groups.”

### **Resolution No. 9 - Public Procurement**

“That this Conference recognises that public procurement has failed in its objectives to give contracts to disabled organisations with over fifty one percent disabled employees as allowed and encouraged under Article 19 of the legislation.

“We call on the Disabled Workers’ Committee to campaign for all government departments, national and local, including councils and other relevant bodies, to use this legislation to give contracts to employers of disabled workers and so ensure a future for the disabled that is not one of unemployment and a life of poverty and benefits.”

### **Resolution No. 10 - Workstep/ Workchoices**

“That this Conference expresses grave concerns with the changes to the Workstep programme. Conference notes with concern Workstep’s transition into Workchoices in October 2010 and believes it undermines the support provided to those working with disabilities.

“Conference recognises Workstep provided an appropriate level of support to whoever needed it, for as long as necessary, whereas Workchoices is based on the concept of progression, progressing disabled workers off the programme into the first available job. Furthermore, as a two year contract, Workchoices fails the first test of a fair and equitable society, by placing budgetary needs before social goals.

“Workstep jobs were skilled positions that provided training and offered skills-based knowledge. Workchoices will push workers into the first available job, regardless of skill lost or opportunities overlooked.

“Conference calls upon the STUC to lobby the Government to reconsider the Workchoices programme and to campaign for a return to a needs-based approach to supported employment.”

### **Resolution No. 11 - NHS Accessibility**

“That this Conference calls upon the Scottish Government to ensure NHS Scotland improves accessibility to essential services. Health care is a right not a privilege and access to healthcare must remain guaranteed to all on the basis of need, rather than cost.

“Conference recognises that providing translation and interpreters for non-English speaking people is a tribute to the NHS response to the diversity of modern Scotland. However, Conference is concerned that disabled people have been failed, as only 4 of the 14 health boards in Scotland provide a similar level of service for the blind, deaf and disabled. The ability to make informed decisions about healthcare is a fundamental right and it is essential that disabled people have access to services to be as well-informed.

“Therefore, Conference calls upon the STUC to lobby the Scottish Government to enshrine the right to accessibility services and interpreters for the blind, the visually impaired, the deaf, the hearing impaired and the disabled in the Patient Rights’ Bill.”

## **Resolution No. 12 - Free Eye Examinations**

“That this Conference commends the success of free eye examinations introduced in Scotland in 2006. Conference notes that up to 80% of the world’s blindness is avoidable and recognises that free eye examinations, tailored to meet the needs and symptoms of individual patients, are a key factor in preventing avoidable blindness. Since their inception less than five years ago, an additional 111,820 people have been referred to eye hospitals for potentially sight saving treatment.

“Conference notes with concern the findings of the Independent Budget Review. All areas of Government spending are under threat, including health budgets, which could mean the end of free examinations.

“Conference condemns any move to cut free eye examinations as a backward step for public health and preventative care in Scotland. Ending free eye examinations will undoubtedly result in an increase in avoidable blindness that will disproportionately impact on low income households and the more vulnerable members of our society.”

## **Composite B (covering Motions 13 & 14) - Mental Health**

“That this Conference is seriously concerned about the lack of understanding in society on issues relating to mental health and employees.

“Conferences notes that:

- one in four of Scots will experience a mental health problem at some point;
- almost three quarters of Scots know someone with a mental health problem; and
- the recovery rate for mental health problems is between 70% and 80%.

“Conference welcomes the achievements by the trade union movement, in particular the role of Union Equality reps, to ensure that workers with mental health problems are supported in an appropriate manner and remain in employment.

“Conference is concerned that most employers have little understanding of the issue; do little to promote good mental health among their employees; and still do not recognise the difference between illness and disability, leaving disabled members particularly vulnerable when sickness absence procedures are invoked.

“Conference recognises that in some instances those with mental health problems are often reluctant to seek support and representation, because of the ongoing stigma attached to these problems and, in some cases, the personal experience of discrimination.

“Conference believes that clear information, advice and support should be available to all employees on issues of mental health, including depression, bipolar disorder, anxiety, schizophrenia, eating disorders, self harm and suicidal thoughts.

“Conference calls on affiliates to:

- seek to promote mental health among employees as a priority issue;
- raise issues of mental health with employers and insist that appropriate information, advice and support on a positive approach to mental health be provided for all employees;
- work with organisations, such as Scottish Action on Mental Health (SAMH), to promote mental health issues; and
- make use of the terms of the Equality Act 2010 in promoting issues of mental health.

“Conference calls on the STUC Disabled Workers’ Committee and the General Council to continue to:

- campaign against discrimination on the grounds of mental health in the workplace and wider community;

- hold a training day for all workplace reps on the issue of mental health, to ensure that reps have the relevant training to represent and support members in the workplace; and
- continue to campaign for full statutory recognition for Trade Union Equality Reps.”

### **Amended Resolution No. 15 - Disability Leave and Sickness Absence’**

“That this Conference is concerned that, despite the introduction of the Disability Discrimination Act and the Disability Equality Duties, employers still continue to discriminate against disabled people. One of the most discriminatory actions employers can take is through rigid and unfair sickness absence management policies.

“The continuing recession makes working life more difficult for disabled people. Last year, UNISON warned that fears for job losses may stop people telling their employers that they are disabled, which could leave disabled workers struggling to cope without the help to which they are entitled.

“In Scotland, we are aware through anecdotal evidence that employers are increasingly using their sickness absence management policies to ‘target’ staff on grounds of capability. Many of these people will be covered under the DDA and may be unaware that their employer’s actions are potentially unlawful.

“Employers are failing to take due regard of the guidance offered in the DDA Code of Practice on Employment and Occupation which recommends allowing a disabled person to be absent during working or training work for rehabilitation, assessment or treatment, as well as a period of disability leave as a reasonable adjustment.

“By ensuring that there is a separate category for disability leave in these policies, many of our members could have proper protection and not face the prospect of losing their job through no fault of their own.

“Conference therefore calls on the STUC Disabled Workers’ Committee to:

- launch a campaign on Disability Leave and Sickness Absence;
- work with the One Workplace Equal Rights Project to produce guidance based on the DDA Code of Practice for Employment and Occupation for union reps on the rights of disabled workers; and
- work with the Scottish and UK Government to ensure they maintain their commitment to equality for disabled people by ensuring that all public authorities have a separate category for disability leave in their absence management policies.”

### **Resolution No. 16 - Supporting Disabled Members**

“That this Conference is concerned that, despite the best efforts of union reps, disabled members are missing out on the protection of the Disability Discrimination Act (DDA), soon to be replaced by the Equality Act. Reps are struggling to convince managers that conditions, such as asthma, diabetes and high blood pressure all potentially fall within the scope of the DDA. Managers are incorrectly automatically excluding certain conditions, effectively enforcing ‘blanket bans’. This pushes disabled members into stressful grievance and disciplinary procedures, in order to establish their rights as disabled workers.

“These are real issues that reps and disabled members are struggling with every day. The definition, as it stands, based on the medical rather than the social model, is unhelpful and excludes many workers who identify as disabled. Its reach is further curtailed by ignorance and intentional discrimination.

“Conference asks the STUC to:

- continue to support affiliates in their work with reps and members to develop awareness of the DDA and the protection it affords;
- work with affiliates to explore ways in which we can ensure employers routinely refer to existing guidance on the meaning of the definition; and

- work with affiliates to ensure that reps understand the amended definition of disability and the improved protection afforded to disabled workers by the Equality Act.”

## **Emergency Resolution No. 1 – Uniting for a Better Way**

“That this Conference notes the announcement of the Comprehensive Spending Review on October 20<sup>th</sup> and the massive cuts announced to a range of benefits including those related to unemployment, sickness and housing.

“Conference further notes the consequential cuts proposed in the Scottish Budget which will impact on all areas of public services in Scotland.

“Conference recognises that no section of Scottish society will be unharmed by these cuts and is particularly concerned that disabled people will be disproportionately affected by some of the benefit cuts and proposed changes to the welfare system.

“Conference is further concerned that the employment prospects of disabled workers will be disproportionately affected due to there being high numbers of disabled workers employed in the public sector where large reductions in jobs are expected.

“Conference welcomes the “There is a Better Way” campaign being run by the STUC General Council and supports the work currently being undertaken by the Disabled Workers’ Committee, Inclusion Scotland and others to ensure a key leadership role for disabled people in the campaign.

“Conference calls on the Committee to play a key role in the organisation of a demonstration or lobby during early 2011 to highlight the particular impacts cuts will have on disabled people.”