

**NATIONAL DISABLED  
MEMBERS CONFERENCE  
2019**

**PRELIMINARY AGENDA**

## 2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA

Please note that this year the order of business will be based on a prioritisation process.

All regions, national caucuses and the National Disabled Members Committee will be asked to vote, via the OCS, for the motions that they believe should be prioritised for debate at conference. **The deadline for submission of priorities is now the same as the deadline for amendments – Friday 6<sup>th</sup> September.**

Individual members can take part in this process by attending the relevant regional or caucus meeting.

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# 2019 National Disabled Members' Conference

## UNISON PRELIMINARY AGENDA

**Brighton Centre**

**02 Nov 2019 - 04 Nov 2019**

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### **Organising and Recruitment**

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Recruitment & Organisation

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#### **1. Celebrating our Black disabled caucus**

Conference notes that the Black caucus within our National Disabled Members Self Organised Group (SOG) reflects our belief that under-represented groups within our union and within society should have a space to organise and to agree their own priorities so that they can feed in to the work of the SOG and ensure that their voice is heard.

The Black caucus has proved a great example of this approach and the benefits it produces for the union as a whole. As in the rest of society, there are often barriers to Black disabled members participation in their branches. So for many Black disabled people, their first contact is with the caucus. Attending caucus meetings and learning that UNISON campaigns on the issues that affect Black disabled people has given many of our members the confidence to become more involved in their branch and region. There are many examples of Black members who have taken the caucus route to union activism and this should be celebrated.

Many Black caucus members have gone on to take up activist roles in their branches, such as steward, equality officer, welfare officer, Chair and Branch Secretary. The caucus has been a stepping stone for these members, developing their activism and their understanding of trade unionism.

In addition, at least four members of the Black caucus have become chairs of the National Disabled Members Committee, using skills and experience they gained through their involvement in the caucus. Others have also gone on to become chairs and vice chairs of other national committees.

Conference notes that accountability is important to the caucus, which meets three times a year to agree motions to conference; to agree amendments to conference; and to elect two representatives to the Black caucus seats on the National Disabled Members Committee. At all three meetings issues of common concern to the Black disabled members are discussed and there is feedback from the two representatives on the national committee as regards the work they have been doing. The Black caucus reps also produce a written report that is included in the National Disabled Members Annual Report.

Conference therefore calls on the National Disabled Members Committee to:

- 1) Raise awareness of what the Black caucus has achieved and the benefits of caucuses to our Disabled Members SOG and the broader union
- 2) Continue to support and celebrate the Black caucus as a route into activism for Black disabled members

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- 3) Work with the National Black Members Committee to seek to understand the barriers to Black disabled members participation in their branches and to identify potential solutions

### ***National Black Members' Caucus***

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#### **2. Towards a more inclusive disabled members LGBT+ caucus**

Conference notes that at National Delegate Conference 2019 delegates unanimously agreed to change UNISON's rule book so that the lesbian, gay, bisexual and transgender (LGBT) self organised group will now be called the LGBT+ self organised group.

Conference notes that this has implications for our disabled members self organised group because we have an LGBT caucus of disabled members as part of our group. The caucus meets three times a year and is a way of acknowledging the intersectionality of our members and of ensuring LGBT people, who are under-represented in society, have a voice within our disabled members' structures.

Conference is aware that UNISON works with inclusive, umbrella definitions of bisexual and transgender. Meetings that include bi members are for all members who feel attraction to more than one gender. Meetings that include trans members are for all types of self-identifying trans people; for people with trans backgrounds and members whose gender identity does not fit into the gender binary i.e. non-binary members.

However, despite these inclusive definitions some members that the disabled LGBT caucus consider to be part of the caucus are put off. The LGBT caucus hears repeatedly that when members attend its meetings, they feel welcomed and included, but before they attend they had been unsure. This is particularly the case for members who do not personally use the label LGBT about themselves, for example people who identify as queer or pansexual.

It is clear that there must be many others who are put off and never get over that barrier. Conference therefore welcomes UNISON's decision to use the term "LGBT+" to ensure we properly reflect our remit.

Conference notes that it was initially young members who suggested UNISON move to using the term LGBT+, with many identifying their sexual orientation and gender identity in different ways beyond a binary definition. The National LGBT Committee undertook consultation on making the LGBT SOG fully inclusive, with over 75% of the consultation responses, and all regional group responses, in favour of the proposal to change the group's name to LGBT+, with comments such as "It's time for this change so that we are truly reflective of our membership and our potential members"; "this is an important next step in making our SOG more inclusive and to attract and maintain members to our union"; and "adding + is much more inclusive, and it avoids LGBT becoming a long and confusing alphabet".

Conference welcomes the decision of National Delegate Conference to change the name of the LGBT self organised group to LGBT+ and instructs the National Disabled Committee to:

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- 1) Continue its work towards making the National Disabled Members SOG fully inclusive and representative of its diverse membership
- 2) Work with the National LGBT+ Committee to raise awareness of the remit of our caucus in the light of new national rules
- 3) Continue to work towards making our SOG's organising, events, policies, systems, language and good practice advice inclusive of non-binary disabled members
- 4) Continue to work with service groups and other UNISON structures as appropriate to make sure that UNISON's disability equality work fully reflects issues of concern to disabled LGBT+ members.

#### ***National Lesbian, Gay, Bisexual & Transgender Plus Members' Caucus***

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### **3. Educate to celebrate our diverse disabled and LGBT+ families**

Conference welcomes the introduction of Lesbian, Gay, Bisexual and Transgender Plus (LGBT+) inclusive relationship education in primary schools and relationship and sex education in secondary schools, which forms part of the Department for Education's statutory guidance, applying to all maintained schools, academies and free schools.

Although the mainstream media has focused on the inclusion of LGBT+ relationships, the guidance should see all kinds of families and relationships celebrated, including disabled people's relationships. This is a significant advance on the traditional approach to disabled people as not having a right to make our own relationship choices.

Conference welcomes that these guidelines not only cover disabled pupils in mainstream schools and Additionally Resourced Provision (ARPs) but they also extend to disabled pupils in special schools.

However conference is concerned that disabled staff and students are being adversely impacted by protests by a vocal minority opposed to inclusive education, in particular LGBT+ inclusive education.

The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019, made under sections 34 and 35 of the Children and Social Work Act 2017, make Relationships Education compulsory for all pupils receiving primary education and Relationships and Sex Education (RSE) compulsory for all pupils receiving secondary education from September 2020.

The guidance allows parents to withdraw their children from the sex education itself, but rightly provides no withdrawal provision from relationship education. This is a positive step, allowing children to be taught an inclusive and positive message about the many different relationships people throughout society have. Such education will help to dispel myths, foster closer community cohesion and help to create future generations who celebrate diversity rather than fear it, as well as supporting young

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disabled LGBT+ people to understand their feelings are commonplace despite their worries.

However, conference is extremely concerned that this statutory guidance is being misrepresented by a vocal minority, intent on sowing division and hate in our local communities. We welcome the early adoption of these guidelines in some schools, such as Anderton Park Primary School in Birmingham which has implemented the 'No Outsiders' programme, but deplore how it is being used by a right wing minority to marginalise LGBT+ people, and create a dangerous and divisive "us and them" narrative. Conference welcomes the condemnation of these protests by many mosques in the Birmingham area.

Conference firmly believes that all public services, and particularly education, need to be inclusive of LGBT+ and disabled people and welcomes the No Outsiders programme which addresses inclusion of people in all equality strands in the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

In line with the Act, OFSTED issued guidance for schools so they can teach a curriculum which promotes respect and understanding of our richly diverse communities.

Conference notes that RSE has become more inclusive and representative of society since the repeal of the homophobic and regressive legislation of the Thatcher era. Section 28 of the Local Government Act 1988, after several attempts, was finally repealed on 18th September 2003, a little over 16 years ago. Prior to its repeal many young disabled LGBT+ people were failed by the education system, causing untold damage and difficulty in realising their sexual orientation and/or gender identity is nothing to be ashamed of or frightened of. Many education staff at the time felt unable to support LGBT+ pupils for fear of falling foul of this restrictive and draconian legislation, risking becoming criminalised for simply trying to support the young people in their schools if they tried.

For disabled young people, the state has historically seen us as unable to form relationships. Historically disabled people have been subjected to forced sterilisation programmes or have been denied the right to form lasting relationships. Information has not been readily available in a variety of accessible formats meaning that disabled people and disabled LGBT+ people have not had access to the same information as their non-disabled peers. For disabled LGBT+ young people, inclusive RSE means their choices are finally accepted and celebrated.

However, if the vocal minority opposed to inclusive RSE is allowed to set the agenda, we may well return to more oppressive times.

Pupil and staff anxiety is heightened by hate fuelled crowds, in particular frightening disabled young people as they simply try to make their way into their school. The trauma of passing these protests may lead to cases of post-traumatic stress, depression and other mental health concerns. Neurodiverse students and staff may be particularly affected and school workplaces may become inaccessible to our members who are disabled. Staff and school children have a right to access and to feel safe and secure in their school, but this right is being denied them.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

Conference therefore instructs the National Disabled Members Committee to work with the National LGBT+ Committee, the Local Government Service Group and its Schools Committee, and other relevant UNISON structures where appropriate to:

- 1) Raise awareness of the importance of inclusive and accessible RSE for both disabled and LGBT+ children and young people
- 2) Contribute to the union's work on protecting school staff members during these continued protests, and specifically disabled schools staff who may be particularly impacted where their workplaces are inaccessible due to protests
- 3) Link with appropriate disability organisations to challenge the myths portrayed by these protests
- 4) Report on progress to National Disabled Members Conference 2020

### ***National Lesbian, Gay, Bisexual & Transgender Plus Members' Caucus***

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#### **4. PIP assessment support**

Personal Independence Payment (PIP) was introduced by Government as the replacement for DLA (Disability Living Allowance). PIP assessments are "an opportunity for you to talk about how your condition affects you - it's not a diagnosis of your condition or a medical examination".

The health professionals undertaking the assessments have little or no expertise in medical conditions and disability issues. This leads to a lack of understanding during the assessment meaning the information stated on the forms is not 100% accurate. A large majority of assessments are also being based on how the person is at the time and don't take into account the longer term implications or what happens on a 'bad day'.

The process for applying for PIP is long, arduous and stressful. There is widespread press coverage of disabled people with quite obvious disabilities who are refused benefit through the PIP process. Hidden disabilities present assessors with conditions they are untrained in and are unfamiliar with the management of. These include Autism Spectrum Disorders, Learning Difficulties and Mental Health Issues. These conditions can be complex and the completion of assessment forms can be extremely challenging.

There is no blanket approach and the process is often prohibitive to people getting PIP. Many disabled members would be unable to complete forms without support and many more would not be aware of the existence of available benefits and support.

Support for people applying for PIP is therefore crucial to enable the documents to be completed with the necessary information and also to provide mental health support.

This conference calls upon the National Disabled Members Committee to:

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

- 1) Create guidance materials on the process for PIP assessments and the support channels that can be used during this process.
- 2) Work with the National Office for Branch Welfare officers to be trained on PIP assessments to provide support to members.
- 3) Communicate guidance on disability training to Branches, such as the autism awareness course and encourage Welfare Officers to undertake training.

### ***Yorkshire and Humberside Region***

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#### **5. Equipping our stewards to support our disabled members**

Conference notes the fantastic standard of support and training for our shop stewards across the UK, and would like to see this enhanced with the addition of some disability-specific training.

As disability activists we may well of landmark case law that affects our disabled members in the workplace, but many of our shop steward colleagues are not. As a result, we run the risk of failing to deliver the best possible representation, advice and support to our disabled members.

The House of Lords has ruled that “the positive duty to make reasonable adjustments under the disability discrimination legislation may extend to positively discriminating in favour of disabled people.” This was a significant victory for disabled workers that continues to be the case today.

In workplaces across the country conversations on reasonable adjustments happen every day yet our Disabled Members still find themselves subjected to the formal attendance process simply because they are disabled. Some employers refuse to make reasonable adjustments and, in at least one case that we are aware of, a public sector employer said “Archibald v Fife doesn’t apply to us”.

Equipping our stewards with disability specific information, such as case law briefings, could help our stewards to better support our members, and ensure that those hard fought for, hard earned rights are not eroded by employers struggling to understand what the duty to make reasonable adjustments actually means.

Conference calls upon the National Disabled Members Committee to:

- 1) Work with the NEC and the Learning and Organising Section (LAOS) to develop training on disability specific employment issues for inclusion in the organising stewards training.
- 2) Identify a way of providing relevant updates to all stewards on new disability discrimination case law and when it may apply;
- 3) Identify other support that can be offered to help stewards who are supporting disabled members including the possibility of a mentoring scheme.

### ***Northern Region***

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### 6. Ageism and the experience of Disability

Conference believes that one of the barriers experienced by disabled workers can be the intersection of age discrimination and disability discrimination.

For example, younger and older workers with similar impairments may be treated differently by their employers due to age-related perceptions about their physical or mental capacities. This can lead to bullying, or employers failing to make the appropriate reasonable adjustments.

Younger and older people with disabilities may also experience differences in the treatment and social care they receive which are linked to stereotypes and prejudice about their age.

As the Equality Act 2010 does not include protection against multiple or intersecting discriminations, it can be difficult for workers to challenge these types of discrimination.

We call on the Disabled Members Committee to:

- 1) Work with the National Young Members Forum and the Retired Members Committee to highlight this issue;
- 2) Produce guidance for branches on how to support older and younger members in challenging disability discrimination;
- 3) Campaign for improved legislation which protects against multiple and intersecting discriminations.

*National Young Members' Forum*

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### Negotiating and Bargaining

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Negotiation and Bargaining

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### 7. Awareness of Access To Work

Access to Work aims to support disabled people start or stay in work, providing financial and practical support. We believe awareness of this programme is lacking amongst some members, especially if you're new to disability, meaning our members may not be getting the support they need to stay in work and reach their potential.

Conference calls on NDMC to produce guidelines for branches to help them support their disabled members in accessing the Access to Work Programme.

*Eastern Region*

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### 8. Disability Passports in the Workplace

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

Many of our members are not receiving the reasonable adjustments they need in the workplace environment, whether it be removing physical barriers or providing additional support for a disabled employee to protect against substantial disadvantage.

A way to encourage the introduction and continuous support of reasonable adjustments would be a disability passport document. A disability passport provides a framework for discussion with a manager and disabled employee regarding the support required for that disabled employee. This passport would remain part of the disabled employees employment and therefore would also provide added support when changing roles within an organisation or when a line manager changes; often very anxious times for a disabled employee.

The TUC and GMB have produced a Reasonable Adjustments Disability Passports document, however we feel this is less than satisfactory, focussing on the Medical Model of Disability rather than the Social Model of Disability and therefore has the potential of putting our members wellbeing at risk and giving employers the wrong impression regarding language and method of handling such a delicate issue.

Branches need further information, documentation and support to advocate and help our members further in asking, gaining and keeping reasonable adjustments.

Disability passports are not a new subject for this conference but one we feel is incredibly important and could make considerable positive impact for our members, stewards and branches.

Conference therefore calls upon the NDMC to:

- 1) Create a Disability Passport Document, focussing on the Social Model of Disability.
- 2) Upon creation, spread awareness of such a passport to Regions and Branches including explaining the need for such passports and a guide/useful information regarding implementation within the workplace.

*Eastern Region*

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### **9. Neurodiversity: Autism Spectrum Conditions and Unacceptable Waiting Times**

Conference notes that neurodiversity is the concept that humans don't come in a one-size-fits-all neurologically "normal" package. This recognises that all variations of human neurological function need to be respected as just another way of being, and that neurological difference like autism and ADHD are the result of normal / natural variations in the human genome. It is a move towards more equal treatment for those with disabilities and that those with autism spectrum conditions should be treated with more understanding that they might have different needs or different ways of coping.

Conference further notes that access to services to support, assess and diagnose adults with neurodiversity have been subject to significant cutbacks. The

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Government's latest 'Autism Self Assessment Exercise Report' clearly demonstrates that in a number of areas, support for autistic adults is worse than in 2016.

Worryingly, the average reported waiting time between being referred for a diagnosis and being seen has almost doubled since 2016 (from 16 weeks to 30 weeks). The National Institute for Health and Care Excellence (NICE) says this should take no longer than 13 weeks, while 62% councils said they could not anticipate meeting this target within the year.

Unless access to assessments and diagnosis is improved across the country, more autistic adults will fall through the cracks and be unable to access the support that they are entitled to. Long waits can be traumatic to autistic people and their families who are often desperate to get help, with getting a diagnosis vital to being able to getting support. This is a wake-up call for the Government who must act now to increase funding to these services across the country.

- 1) Conference calls on the National Disabled Members' Committee to:
- 2) Support branches in lobbying local MPs to call for increased funding and address waiting times for assessment and diagnosis in local areas.
- 3) Seek support within Labour Link to raise this issue
- 4) Survey members to identify where we have members with an ASC condition and understand the impact of cuts on individuals and the support required.
- 5) Collate guidance and share information explaining neurodiversity and ASCs to branches, to raise awareness and understanding amongst activist when supporting members.

***South East Region***

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### **10. Disabled Women and Sickness Absence**

Conference notes that there are a number of chronic and long term conditions including gynaecological conditions such as polycystic ovary syndrome and lichen sclerosis which primarily affect women in the workplace and can be covered by the protections in the Equality Act 2010. There are also a number of cancers that primarily target women and are covered from date of diagnosis by the Equality Act protections. Treatments to manage the symptoms of these conditions can have an impact on attendance at work. However workplace sickness absence policies often use inflexible trigger levels that don't take account of these issues, setting off formal procedures that could ultimately lead to an unfair dismissal.

In addition, we have had anecdotal evidence of disabled pregnant women being impacted by notifiable disease regulations. Where medical exclusion is required, pregnant women should be given paid leave which does not count as part of the sickness absence procedures. However not all employers are aware of this. This can lead to disabled pregnant women being unfairly recorded as sick when they are not.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

Conference further notes that the government has never enacted Section 14 of the Equality Act which would allow disabled women to take unfair dismissal and discrimination cases based on more than one protected characteristic.

Conference instructs the National Disabled Members Committee to:

- 1) Raise awareness of conditions such as polycystic ovary syndrome, lichen sclerosis and other conditions primarily affecting women and how this can affect attendance at work
- 2) Continue to publicise UNISON's 'Disability Leave Bargaining Guide and model policy' and to call on service groups, regions and branches to seek ways of putting this on local bargaining agendas with employers
- 3) Campaign for absence due to infection control of notifiable diseases not to be classified as sickness and ensure such time off doesn't count towards the absence triggers
- 4) Campaign for the enactment of Section 14 of the Equality Act 2010 on combined discrimination.

### ***National Women Members' Caucus***

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#### **11. Non-apparent Disabilities**

Conference believes that the Equality Act of 2010 was one of the crowning achievements of the last Labour government, a reform that granted greater rights along with better protections to those with "protected characteristics". One of these of course is that of disability, defined in the Act as having a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

Conference believes that those with non-apparent disabilities, which include amongst others those who suffer chronic or fluctuating health conditions and those who are neurodivergent, can face difficulties both in seeking recognition of their condition by their employer as well as in obtaining protection against discrimination.

A lack of understanding and recognition can see those with non-apparent mental health conditions or learning disabilities be unfairly regarded as "troublesome" and face disciplinary or capability proceedings due to a lack of understanding. On the flipside people with these conditions can struggle to get help and support when discriminated against, as the discrimination is passed off as "banter".

Not only can this exacerbate their primary condition; it can also cause secondary conditions to occur as well such as the onset of depression or anxiety. This can make those already struggling to get by face even worse outcomes that could, with the right support and understanding, otherwise be avoided.

As our understanding of mental health improves, previously undocumented or discounted behaviours are being linked to the results of these hidden disabilities, providing a greater challenge than ever before in helping to gain diagnosis and

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support for our members. Many NHS trusts now have waiting times that stretch into the years when our members simply cannot wait that long.

Conference calls for the National Disabled Members Committee:

- 1) To investigate and report on non-apparent disabilities experienced by UNISON members, by liaising with branches to understand which conditions can go under-reported, and which conditions may lead to members struggling to receive the support they need from their employer;
- 2) To share best practice in negotiating policies and achieving individual support for those with non-apparent disabilities;
- 3) To continue campaigning for increases in mental health provision and funding on the NHS so that help is available more quickly and in more areas;
- 4) To make awareness of non-apparent disabilities a focus during the Year of Disabled Workers.

### ***National Young Members' Forum***

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## **12. Campaigning to end the disability pay gap**

Conference is concerned that while the disability pay gap is increasing at an alarming rate the government have still not implemented the mandatory monitoring and reporting called for by the Equality and Human Rights Commission (EHRC) in their report "Fair opportunities for all."

Research for EHRC found that while the disability pay gap is the highest since records began the level varies depending on the disability. For example, the gap between a physically disabled woman and a non-disabled woman is 18% but for a man with learning difficulties the gap increases to 60%.

The report also found that while the reasons for the disability pay gap were complex the pay gap alone didn't fully reflect the income difference between disabled and non-disabled people as disabled people are more likely to be part-time workers or unemployed and less likely to be paid the Living Wage.

Over 75% of employers say equality and diversity is a priority for their organisation but less than 3% measure the disability pay gap. And there are few consequences for an employer when a disabled person is disadvantaged in the recruitment process, overlooked for promotion or refused training,

Disabled people are also likely to have fewer educational qualifications. Nearly 20% of disabled people have no formal qualifications compared to just 6% of non-disabled people. Only 14% hold a degree level qualification compared to 28% of non-disabled people. Even if a disabled person overcomes the societal barriers to gain good qualifications they're still paid less than equally qualified non-disabled people.

The disability pay gap is catastrophic for Disabled Members with the stark reality for many being a struggle to make ends meet, pay the bills and survive, let alone thrive.

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Since the introduction of mandatory reporting there is an increased urgency from employers to identify when women are paid less and address the gender pay gap but no equivalent requirement to ensure employers report on and reduce the disability pay gap.

Conference calls upon the National Disabled Members Committee to work with the NEC to:

- 1) Campaign for the introduction of mandatory monitoring and reporting on the disability pay;
- 2) Produce guidance including a model action plan to reduce the disability pay gap that branches can use in negotiations with employers;
- 3) Develop recruitment materials targeted at disabled workers highlighting the UNISON's achievements and continuing work to reduce the disability pay gap.

***Newcastle City***

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### **Campaigning**

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#### Campaigns

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### **13. Mental Health First aiders**

Mental health issues are common in the workplace, so UNISON members are likely to have close contact with those people affected. However, many people are not well informed about how to recognise mental health issues; how to provide support and what are the best treatments and services available. Furthermore, many people developing mental health disabilities do not get professional help or delay getting professional help. Someone in their workplace who is informed about the options available for professional help can assist the person to get appropriate help and could help those suffering in silence.

When someone is in mental health crises, such as a person who is feeling suicidal, deliberately harming themselves, having a panic attack or being acutely psychotic, having someone with appropriate mental health first aid skills can reduce the risk of that person coming to harm.

There is also stigma and discrimination against people with mental health disabilities in the workplace, which may be reduced by improving colleagues understanding of their experiences.

Studies have been carried out showing the people who are trained in mental health first aid showed improved knowledge, confidence, attitudes and helping behaviour. In addition mental health first aid training "increases participants' knowledge regarding mental health, decreases their negative attitudes, and increases supportive behaviours toward individuals with mental health disabilities. There has also been research to develop international guidelines on the best strategies for mental health first aid.

This Conference calls upon the National Disabled Members Committee to:

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- 1) Work with UNISON learning unit to develop a course for UNISON members on mental health first aiders
- 2) Encourage branches to train mental health first aiders within their branches.
- 3) Produce publicity advertising the positive contribution mental health first aiders can have in the workplace.

***Birmingham UNISON Branch***

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### **14. Meaningful Annual Disability Employment Statistics**

Conference notes that in November 2018 the Department of Work and Pensions and the Department of Health & Social Care jointly launched a Framework on the Voluntary Reporting on Disability, Mental Health and Wellbeing. This complements the Public Sector Equality Duty.

The Framework is a voluntary scheme - aimed at large employers with over 250 employees – to publish statistics and information on employing disabled people in a bid to increase transparency.

Conference welcomes the intent; however, believes this fails to go far enough and that employers need to demonstrate commitment and accountability too.

Conference is aware that the Disability Confident Scheme is a nationally accredited scheme commonly used across our public services. However, the Scheme is not without its critics and in the years it has operated, as at 1st July 2019, 12,200 employers have signed up. Of those participating in the Disability Confident Scheme only 1.8% (216 employers) are operating at a level that provides scrutiny through independent assessment. Conference is aware that the merits of this Scheme is currently being researched by the National Disabled Members' Committee.

In October 2018 the Office for National Statistics noted there are 5.7 million private sector businesses of which 1.4 million are employers. In the context of the Disability Confident Scheme take up represents 0.8% of all employing private sector businesses. This excludes Public Sector employers who employ some 5.4 million (2019) and the Third Sector who employ some 866,000 staff (2018).

In December 2018, a House of Commons briefing paper noted that only 8,000 private sector businesses employed 250 or more people representing 0.1% of all private sector businesses and accounting for 40% of all private sector employment (10.7 million employees).

Conference believes that the first steps to demonstrating a commitment to closing the disability employment gap should include commitments from employers to annually publish their disability employment statistics, and to participate in and attain the highest level of the Disability Confident Scheme.

However, the limited impact of the Disability Confident Scheme demonstrates that employers will not voluntarily commit to providing disability statistics or voluntary

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

commit to a robust level of transparency or scrutiny. Therefore, there is reduced confidence that the Framework will be better received.

The publication of statistics would demonstrate a commitment by employers to employ and promote disabled people and would provide evidence that the disability gap is closing in relation to the employment, progression, and management of disabled workers. It is now time for employers to become properly accountable.

Conference calls on the National Disabled Members' Committee:

- 1) Where its research concludes there are benefits to the current Disability Confident Scheme, to actively campaign for all public sector employers to participate in the nationally accredited Disability Confident Scheme encouraging them to demonstrate a genuine commitment to its implementation and to scrutiny by progressing to the highest level of the Scheme.
- 2) To consider any revisions necessary to improve the Disability Confident Scheme and lobby for same through the most appropriate routes.
- 3) To research and establish a range of useful key employment indicators relating to the employment, progression and management of disabled workers that would allow organisations to evidence they are closing the disability gap, and then to promote the collation of these as a minimum standard.
- 4) To call upon the Labour Link to raise the issue of meaningful disability employment statistics through the Labour Party asking it to:
  - a) Explore the issue.
  - b) Consider establishing a set of key employment indicators relating to the employment, progression and management of disabled workers, and then to promote the collation of these as a minimum standard in employing businesses and organisations.
  - c) Consider campaigning and lobbying the UK and devolved governments for compulsory publication of key disability employment statistics in businesses and organisations across Sectors who employ fifty staff or more.

***Scotland Region***

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### **15. Accessible Public Toilets**

Conference notes that less than 10% of people who meet the Equality Act 2010 definition of a disability actually use a wheelchair which is the traditional symbol for a disabled toilet.

For a range of reasons many disabled people are unable to use a standard toilet.

Conference notes that Council spending cuts have led to the closure of many public toilets across the country and some rural locations, such as the Isle of Arran in Scotland, have no facilities at all.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

In the UK the National Key Scheme allows people access to locked public toilets for the purchase price of a RADAR [Royal Association for Disability and Rehabilitation] key on proof of disability. This has been in operation since 1981, however, while over 9,000 premises are listed as participating in the scheme there are many more places that do not.

There are schemes, such as the 'Nice Toilets' that have been implemented in cities across Germany and Switzerland. In this scheme the Council pays a monthly fee to participating cafes and restaurants who open their toilets to the public to use freely without requiring to make a purchase. It has been operational for over 15 years and has saved significant sums of money, e.g. in Bremen the provision of Council run public toilets was estimated to cost €1.1 million but instead costs €150,000; a seventh of the cost (equivalent to £987k and £134k respectively). The scheme has been so successful that Bremen now has the best ratio of public toilets to residents across Germany.

Conference welcomes the recent introduction of "Some Disabilities are Invisible" signs in workplaces and other public buildings across the UK. This signage recognises that people with invisible illnesses have disabilities and long-term health conditions that are not physically obvious, leading to disabled people experiencing stigma or abuse. Research by Crones and Colitis UK has revealed that 61% of those affected by the condition have experienced verbal or physical abuse simply for using a disabled toilet.

For others, even a standard disabled toilet does not meet their needs as they require even greater space or additional equipment not otherwise provided. The Changing Places Campaign notes this affects about a quarter of a million people across the UK who are reliant on more specialist public toilet provision. This number is growing due to positive health care advances increasing the need for more Changing Places toilets. However, uptake in providing these is slow and there is no mandatory requirement for them to be provided in public places.

Conference recognises that Changing Places toilets should be provided in addition to standard disabled toilets and that our public services should not only be providing these but could also be encouraging large organisations or venues to similar, e.g. through building regulations, so that they become more commonplace across airports, railway stations, shopping centres, etc.

Conference calls on the National Disabled Members Committee to promote inclusive communities for disabled people through greater provision of accessible toilets for all disabled people by:

- 1) Encouraging branches to press for toilet signage that reflects invisible disabilities in their workplaces.
- 2) Publicising and promoting greater participation in the National Key Scheme.
- 3) Exploring via Labour Link the benefits of the Nice Toilets scheme with a view campaigning for the development of a similar scheme across our towns and cities.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

- 4) Publicising and promoting the Changing Places Campaign, and campaigning via Labour Link for Changing Places toilets to be a mandatory requirement under building regulations for large public places in devolved nations.
- 5) To consider submitting this as a motion to the 2020 UNISON Local Government Conference.

***Scotland Region***

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### **16. Making public transport and public buildings accessible for Deaf people**

Conference notes that despite the anticipatory duty in the 2010 Equality Act, which should, in theory, prevent inaccessible buildings and public spaces being built, Deaf people in particular are often routinely discriminated against when it comes to public transport and buildings.

Our members report that new public buildings, including for example university buildings, do not have visual signs and walkways or visual fire alarms. Door entry and car park systems are often operated by intercom which is a barrier for Deaf people. And when it comes to transport, even brand new trains often have visual displays that do not work or visual signs that say “listen for announcements”. In many stations last minute changes and delays are still announced over the public address system only, and Deaf people miss out.

Conference believes that building regulations simply are not working and therefore calls on the National Disabled Members Committee to:

- 1) Lobby for improvements in building regulations so that all new public buildings are fully accessible to Deaf people, backed up by much stronger enforcement where there is a failure to comply
- 2) Campaign for improved access for Deaf people using bus and rail travel.

***National Deaf (Native British Sign Language Users) Caucus***

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### **17. Access to Mental Health services for Deaf people**

Conference notes that Deaf people are twice as likely as hearing people to experience mental health problems, yet they do not have equal access to services. Mental health services are often inaccessible for Deaf people. For example members have reported that they are referred to counselling services where the counsellor does not sign and therefore a British Sign Language (BSL) interpreter also needs to be present for what should be a confidential session. The Deaf community is small and members often know the BSL interpreter and do not feel able to open up in front of them.

Many Clinical Commissioning Groups (CCGs) expect Deaf people to access hearing services with therapists who don't sign and don't have an understanding of issues that affect Deaf people. As a result access to therapists or counsellors who sign is only available in some areas, resulting in a postcode lottery where Deaf people have

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

to travel significant distances to access these services. Deaf people face long waits for mental health services or may not be able to access them at all, putting their health at serious risk.

Conference notes that the Deaf health charity SignHealth is running a campaign called 'Therapy, the Deaf Way' asking the government to provide a nationally commissioned psychological therapy service for Deaf people in BSL.

Conference calls on the National Disabled Members Committee to work with the health service group, the NEC and other appropriate bodies to:

- 1) Lobby the Department of Health and the NHS to provide improved mental health services for Deaf people, including increasing the provision of one-to-one counselling directly through British Sign Language, without the need for an interpreter.
- 2) Consider supporting SignHealth's 'Therapy, the Deaf Way' campaign.

### ***National Deaf (Native British Sign Language Users) Caucus***

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#### **18. Public sector cuts affecting BSL interpreting services**

Conference notes that the 2018 National Disabled Members Conference passed a motion entitled 'Ensuring safe and qualified interpreting services for Deaf people accessing public services' which called for awareness raising of the use of trainee British Sign Language (BSL) interpreters and the risks to Deaf people of this approach.

However conference is concerned that there is now anecdotal evidence of public sector providers such as the NHS contracting out services to organisations that have no history of BSL interpretation. These organisations provide spoken language interpretation, such as Spanish or Urdu, and simply tag BSL services on in order to compete for public service contracts.

Almost a decade of austerity has meant the NHS and other public sector bodies increasingly rely on commissioned and contracted out services and cost is often the key deciding factor. Spoken language interpretation services can often offer a cheaper service, but at a high cost in terms of quality and Deaf people's access to public services.

Conference therefore calls on the National Disabled Members Committee to:

- 1) Raise awareness of the impact of austerity on Deaf people's access to public services, including the NHS
- 2) Work with the local government community and health service groups to campaign against contracting out of BSL interpreting services to organisations which do not have the expertise to provide a quality BSL interpretation service
- 3) Work with the NEC to ensure that UNISON's campaign against public service cuts includes the impact on Deaf workers and service users.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

### ***National Deaf (Native British Sign Language Users) Caucus***

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#### **19. What are they hiding?: Missing PIP data on the experience of Black Disabled People**

Conference notes that government publishes regular statistics on Personal Independence Payments (PIP). These figures underline the unfairness of PIP decisions with a shocking 73% of Mandatory Reconsideration refusals being overturned at appeal.

However conference is concerned that these official Department of Work and Pensions PIP statistics are broken down by “main disabling condition”, gender and age but they are not broken down by the ethnicity of claimants. This gap in equality monitoring is worrying and fails to guard against a potential disproportionate impact on Black disabled people. It does not appear to reflect the requirements of the public sector equality duty.

Conference notes that the UK Census consistently shows that Black people are more likely to have a long term life limiting illness. Many of these people would be eligible for PIP.

Conference therefore calls on the National Disabled Members Committee to work with the National Black Members Committee and other UNISON structures where appropriate to:

- 1) Submit a Freedom of Information request to the Department of Work and Pensions seeking data on the number of claimants denied PIP and their success at mandatory reconsideration or appeal, broken down by ethnicity.
- 2) Lobby the department of Work and Pensions to add ethnicity monitoring to their regular official PIP statistics published on their website.
- 3) Use this data to underpin campaigning on PIP and the specific impact on Black disabled people.

#### ***National Black Members' Caucus***

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#### **20. Black Disabled People and the Windrush scandal**

Conference condemns the Home Office's politically motivated decision to classify thousands of long-term British residents as illegal immigrants, forcing many of them out of their jobs and homes, and in extreme cases, resulting in detention and deportation.

Conference notes that many victims of the Windrush scandal are Black disabled people and the impact of the “hostile environment” the Home Office created has been particularly damaging for them.

If they could not provide multiple evidence for every year they had been in the UK, some disabled people were denied vital healthcare and others were forced to pay

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

back disability benefits, pushing them into significant debt and homelessness. One Black disabled woman who has lived in the UK for 62 years was sent a bill for £33,000 by the government to claw back her past disability benefits and was threatened with deportation.

For some victims of the Windrush scandal, their treatment resulted in severe mental distress and other stress related health conditions. Denied access to the NHS, including for cancer treatment, there are reports of some victims dying before they could prove their right to citizenship. One Londoner, who was diagnosed with prostate cancer was refused NHS medical treatment because of his immigration status and billed £54,000.

Conference further notes that a year after the government promised to put right its “appalling” treatment of the Windrush generation and committed to reform the Home Office, many of those affected by the scandal remain in acute financial difficulties. None of the “hostile environment” legislation introduced by Theresa May when she was Home Secretary has been repealed and immigration charities say there has been no change in the department’s culture.

For Black disabled people of the Windrush generation who were deprived of their jobs, healthcare, benefits and freedom, the compensation process involves submitting further proof and can be inaccessible for disabled people. Only a small number of victims have received emergency compensation and none from the full Windrush Compensation Scheme as at July 2019. There is also widespread concern that any compensation received will not actually cover losses. In addition, although the Home Secretary Sajid Javid announced the scheme with a promise that there would be no cap on payments, it has since emerged that there are fixed amounts that can be claimed for different losses which still amounts to a cap.

Conference therefore instructs the National Disabled Members Committee to work with the National Black Members Committee to:

- 1) Support relevant and appropriate campaigns to repeal legislation that created the “hostile environment”
- 2) Liaise with appropriate victims’ and campaign organisations to seek to ensure the needs of Black disabled victims are being addressed in the compensation process and to campaign against any form of capping
- 3) Report back to National Disabled Members Conference 2019.

***National Black Members’ Caucus***

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### **21. Accessible Domestic Abuse Services**

Conference notes that disabled women are more likely to be subjected to domestic abuse than non-disabled women. Domestic abuse can include physical, sexual or emotional abuse - as well as the withdrawal of care from disabled women who require it. According to the Women’s Budget Group, one in two disabled women experience domestic abuse in their lifetime and they face additional barriers in seeking help and support.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

When disabled women seek help they are often failed by inaccessible domestic abuse services that are not tailored to their needs. A recent BBC investigation found that just one in ten domestic abuse refuge spaces in the UK is accessible to disabled people with physical impairments.

However many refuges may also be inaccessible for people with non-physical impairments, in particular neurodiverse women. In addition, there is a need for more accessible ways of reporting domestic abuse, such as text, videophone and British Sign Language services.

Conference acknowledges that almost a decade of government cuts has meant that local authorities have reduced funding for domestic abuse services, creating a postcode lottery for disabled women fleeing domestic abuse.

Disabled women also face significant barriers in accessing justice, with cases significantly less likely to be referred by police for prosecution if the victim is a disabled woman.

Conference therefore calls on the National Disabled Members Committee, working with the Labour Link and relevant campaigns where appropriate, to:

- 1) Raise awareness of the disproportionate impact of domestic abuse on disabled women and the need for a full range of accessible domestic abuse services, including accessible refuges and reporting mechanisms
- 2) Campaign for more sustainable funding for refuges so that sufficient accessible places are available to accommodate all disabled women.
- 3) Continue to campaign for a justice system that acknowledges the needs of disabled women, including updated legislation that reflects the specific nature of disability hate crime.

### ***National Women Members' Caucus***

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#### **22. Not just a bit of banter: Tackling sexual harassment of disabled women in the workplace**

Conference notes that the #MeToo movement has illustrated how sexual harassment is widespread in our society and in the workplace but for too long has been swept under the carpet and dismissed as “just a bit of banter”.

UNISON’s ‘Harassment at Work’ guide defines sexual harassment as “unwanted conduct that is of a sexual nature whether verbal, non-verbal or physical.”

Conference acknowledges that anyone at any time can experience sexual harassment, but the statistics demonstrate that the overwhelming majority of victims are women. A study by the TUC in 2016 found that 52% of women had experienced unwanted behaviour at work including groping, sexual advances and inappropriate jokes. Four out of five women had not reported this to their employers, with many feeling they would not be taken seriously.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

As is the case in other types of violence against women, sexual harassment is inextricably linked with power and attempts by (mostly male) perpetrators to disempower women they see as less powerful or who they want to undermine to enhance their own status in the workplace. For disabled women this power imbalance is often even more pronounced leading to higher rates of sexual harassment.

However, conference notes that there is a lack of specific data on disabled women's experience of sexual harassment in UK workplaces. Nonetheless a Women's Aid report found that disabled women were twice as likely to experience gender-based violence compared to non-disabled women due to discrimination relating to both gender and disability. The TUC's recent groundbreaking research 'Sexual harassment of LGBT people in the workplace' also highlights that disabled lesbian, gay, bisexual and transgender (LGBT) women respondents reported significantly higher levels of sexual harassment than non-disabled respondents. Disabled women respondents were:

Around twice as likely to report unwanted touching (50% disabled women compared to 26% non-disabled women),

- 1) More than twice as likely to report sexual assault (38% compared to 14%) and
- 2) Six times more likely to experience serious sexual assault or rape (24% compared to 4%).

Although research is sparse, learning disabled women are likely to be even more at risk from sexual harassment and face greater barriers to reporting and being believed.

Conference strongly believes that more research is needed into disabled women's experience of workplace sexual harassment.

Conference regrets that, despite the widespread nature of sexual harassment in the workplace, in 2013 the government reduced protections for workers by repealing Section 40 of the Equality Act 2010 which ensured employers had a duty to address harassment by third parties, such as clients, contractors and members of the public. Conference notes that UNISON's response to the parliamentary Women and Equalities Select Committee inquiry into the enforcement of the Equality Act called for re-enactment of the third party harassment provisions.

Conference welcomes the adoption of a composite motion on sexual harassment agreed at UNISON National Delegate Conference 2019 which continues and expands UNISON's campaigning activity, including:

- a) Publicly supporting the #MeToo and #TimesUp campaigns
- b) Conducting further research into women in UNISON and the sexual harassment they experience
- c) Producing tool kits for activists on negotiating a zero tolerance sexual harassment policy with employers, with appropriate protections and safe reporting routes

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

- d) Developing training for our reps to give them the skills to challenge sexual harassment in the workplace

Conference further notes UNISON's involvement in the TUC's #ThisIsNotWorking campaign, calling for an anticipatory legal duty for employers to take all reasonable steps to protect workers from sexual harassment and victimisation

Conference believes that the needs of disabled women must be acknowledged and fully included when it comes to UNISON's policy and campaigning work on sexual harassment.

Conference therefore calls on the National Disabled Members Committee, working with the National Women's Committee, Labour Link and relevant campaigns where appropriate, to:

- i) Publicly endorse and promote the #MeToo and #TimesUp campaigns
- ii) Seek to ensure UNISON research on sexual harassment includes the experience of disabled women
- iii) Seek to ensure UNISON guidance on challenging sexual harassment and negotiating zero tolerance policies, and UNISON's training for activists, includes acknowledgement of the disproportionate impact of sexual harassment on disabled women in the workplace
- iv) Promote UNISON's guidance on sexual harassment at work
- v) Seek to ensure that disabled women are highlighted in UNISON's campaigning work on sexual harassment
- vi) Continue to lobby for the third party harassment provisions in the Equality Act 2010 to be reinstated

### ***National Women Members' Caucus***

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### **23. Fighting Unfair Work Capability Assessments**

Conference is concerned at the number of deaths following Employment and Support Allowance (ESA) or Universal Credit (UC) claimants being found fit for work or where claimants have been denied Disability Living Allowance (DLA) or Personal Independence Payments (PIP).

Department of Work and Pensions (DWP) figures show that over 2,300 former claimants of sickness-related benefits died within six weeks of losing their claim for ESA and being declared "fit for work" between December 2011 and February 2014.

In 2017 the DWP were forced under a Freedom of Information request to release data showing that, between 2014 and 2017, 10,950 claimants died whilst in the Work Related Activity Group (WRAG) of ESA. Claimants placed in the WRAG group are people aged 16-64 who the DWP deems can start moving towards work. The DWP data showed that 10 of these people died every day between 2014 and 2017.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

The DWP do not produce a breakdown on cause of death as this information is not gathered. However there are many cases where people have taken their own lives due to the stress and trauma they faced.

Conference notes that there have been some high profile cases reported in the press, including that of Jodey Whiting. Jodey was a disabled mother of nine who took her own life a week after receiving notification from the DWP that her benefit would be stopped as they had deemed her fit for work because she missed one appointment. The DWP was still refusing as of July 2019 to release the results of an investigation into Jodey's death to her mother.

There has also been an increase in attempted suicide. According to published NHS data, attempted suicides among out-of-work disability benefit claimants have more than doubled – from 21% to 43% - since the introduction of fit-to-work assessments in 2008.

Conference further notes that UNISON supported and spoke at the 13 February lobby of parliament entitled "Disabled People: First Do No Harm". The lobby was led by the Labour Party and backed by disabled people's organisations and Disability Labour. The key aims of the lobby were:

- 1) To incorporate the principle of "First Do No Harm" into the assessment process for disabled people in the welfare system, implementing an assessment framework that treats disabled people with dignity and respect
- 2) To call for the publication of a cumulative impact assessment of social security changes to disabled people.
- 3) To end the sanctions and conditionality regime for disabled people

The overall aim was to demand that the current work capability assessments (WCA) are challenged and changed.

Conference therefore instructs the National Disabled Members Committee to:

- a) Continue to work with the Labour Party, via the Labour Link, and disabled people's organisations to campaign against unfair work capability assessments
- b) Support appropriate campaigns for justice for Jodey Whiting and consider supporting similar appropriate campaigns highlighting the impact of work capability assessments on disabled people.

***National Disabled Members Committee***

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### **24. Brexit, trade deals and disabled members**

Conference is concerned that if the UK leaves the European Union the Government will pursue different trade deals with many countries around the world that could have a profound impact on the public services and goods which disabled people rely on.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

The politically driven agenda of austerity and public sector funding cuts has already led to many public services being outsourced with a devastating affect on Disabled Members who both use and deliver these services. And Brexit will mean further deregulation and privatisation as the government tries to secure trade deals with countries such as China and the USA who have far greater economic power than the UK.

Conference is further concerned that US President Donald Trump has repeatedly stated that all services including our NHS must be “on the table” for private companies to take over any trade deal negotiations. The NHS could go from being free at the point of use to unavailable to those can't pay for an insurance policy that will be required to access even the most basic health care. For disabled people who need ongoing health care, regular medication or social care the cost will be extortionate and unaffordable for many. It is not unrealistic to say that lives will be put at risk.

But it isn't just the NHS that will be negatively affected by trade deals with countries that don't protect workers' rights, little or no regulatory standards and poor human rights records. Everything from Health and Safety regulations to Food Standards to climate and environmental targets are likely to be watered down which will have a detrimental impact on our Disabled Members in the workplace, in education and when using goods and services.

Conference current candidate for Tory Leadership and Prime Minister has said “We will leave the EU on 31 October do or die.” If post-Brexit trade deals mean more privatisation, further deregulation and a health service that is ran for profit and not for the benefit of those using the service then for our Disabled Members Brexit may mean that ‘do’ is not an option.

Conference therefore calls on the NDMC to work with the NEC to:

- 1) Lobby Government for guarantees that NHS and all public services will be excluded from any future trade deals, and that workers' rights and safety standards will be maintained;
- 2) Work with Labour Link to campaign for the Labour Party to introduce legislation that will ensure Trade Union consultation in any future international trade deals;
- 3) Campaign against any Trade Deals which negatively impact on disabled people's quality of life and ability to access employment, goods and services;
- 4) Campaign to protect worker's rights including disabled workers' rights in all future trade deals.

***Northern Region***

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**Efficient and Effective Union**

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Efficient and Effective Union

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### **25. HIV/AIDS and Decriminalisation for Disabled People's Safety**

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

Conference recognises that the great majority of sex workers are women, including disabled women. However what is less well known is that globally, sex workers are 13 times more at risk of HIV (Human Immunodeficiency Virus) compared with the general population, due to an increased likelihood of being economically vulnerable, unable to negotiate consistent condom use, and experiencing violence, criminalisation and marginalisation. HIV/AIDS (Acquired Immunodeficiency Syndrome) are specifically recognised in the Equality Act 2010 as a disability from the date of diagnosis. So sex work is an issue for disabled people.

Conference also notes that, with so many barriers still blocking disabled people's access to mainstream employment, for some disabled women sex work is an option that allows them to work the hours that suit their needs and take time off when required.

As noted by the UN Rapporteur on Poverty on his visit to the UK, for some disabled women, stringent work capability assessments and unfair PIP decisions have meant they are turned down for benefits and rely on sex work to survive. Some other disabled women use sex work to top up low income as a result of Universal Credit sanctions, the benefits cap and bedroom tax, zero hours contracts and the gig economy.

Conference notes the 2010 conclusions of the UN Special Rapporteur on the Right to Physical and Mental Health that criminalisation of sex workers or their clients may only make it more difficult for sex workers to negotiate safe sex and may drive them to work in more isolated and unsafe areas. Criminalisation and lack of protections for sex workers can lead to violence against sex workers and to traumatisation which can also result in some becoming disabled.

Conference also recognises that a significant number of sex workers identify as lesbian, gay, bisexual and/or transgender plus (LGBT+), including many who are living with HIV/AIDS.

Conference notes that UNISON's policy on sex work, adopted in 2010 on the basis of a motion from UNISON National Women's Conference, is to support proposals which decriminalise the selling of sex acts while introducing a "sex buyers law" criminalising those who purchase sex acts.

However conference further notes that UNISON National LGBT Conference takes a different view, based on motions to their conference which:

Recognise that criminalisation of any kind, including of buyers, increases the risks for sex workers and hinders the global fight against HIV and AIDS;

- 1) Oppose the introduction of a sex buyers law;
- 2) Reflect the view that sex workers are workers, who should have the same rights and protections as workers in other industries.

Conference acknowledges that there have been significant developments since UNISON agreed its policy in 2010 including:

## 2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA

- a) Amnesty's 2016 publication of its policy on sex workers, which includes advocating for the decriminalisation of all aspects of consensual adult sex work;
- b) Full decriminalisation is also supported by many other organisations including the World Health Organisation, the Global Alliance Against Traffic in Women, and Anti Slavery International, and by sex workers organisations;
- c) The rejection by 2018 UNISON National Women's Conference of a motion "Nordic Model Now!" which called for women's conference to affirm its policy of supporting the Nordic Model, a legal model based on decriminalising the selling of sex acts while introducing a "sex buyers law?".
- d) The Royal College of Nursing 2019 conference decision to support a policy of full decriminalisation in order to safeguard sex workers, improve their health and reduce the impact of HIV/AIDS.

Conference further notes New Zealand decriminalised sex work in 2003. The legislation recognises sex work as work, and it is therefore covered by employment law. Sex workers have the legal right to refuse any client for any reason at any point – the law treats sex workers consent as crucial and trafficking remains illegal.

The "New Zealand model" has been praised by women's rights organisations, human rights organisations, and international bodies such as the World Health Organisation, as the best legal approach to protect the safety, rights, and health, of people who sell sex.

Conference recognises that decriminalisation is not about "encouraging" sex work – it's about the safety of people who sell sex, including disabled and LGBT+ people.

Conference believes that as a trade union we should be listening to the workers – to sex workers – and should not be calling for laws that put sex workers, including disabled, women and LGBT+ sex workers, at greater risk.

Conference therefore believes that the safety of disabled sex workers is an issue for the National Disabled Members SOG and instructs the National Disabled Members Committee to begin a dialogue with the NEC, the National Women's Committee, the National LGBT+ Committee, and other appropriate bodies within the union with a view to reviewing and advancing UNISON policy in support of full decriminalisation.

### ***National Lesbian, Gay, Bisexual & Transgender Plus Members' Caucus***

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#### **Motions Ruled Out of Order**

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Beyond remit of the Conference

#### **Motion BLOOD DONATION CAMPAIGN**

My best friend for over 25yrs died after a blood transfusion last year in London, he had sickle cell and his death could have been prevented. This is what motivates us to raise awareness and organise this campaign. Sickle cell disease is a blood condition that most commonly affects people of African heritage, as evidenced in 90 per cent of British patients although it can also found in those from Caribbean,

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

Middle Eastern and Mediterranean backgrounds. Sickle-shaped cells do not carry oxygen efficiently around the body and the disease can be extremely painful and cause life-threatening infections. It can lead to stroke or loss of vision. Blood transfusions help to reduce and prevent these symptoms. The treatment of this condition is much more successful using blood that is very closely matched to the patients. It is estimated that between 13,000-15,000 people in the UK have sickle cell disease. Some blood groups are more prevalent amongst people of African and Caribbean decent including the rare blood subtype Ro. This blood type is needed for treating sickle cell disease, if a person has the sickle cell trait they can still become a blood donor. Only around 2 per cent of donors have this rare sub-type so meeting the demand can be difficult. While people from all communities and backgrounds do give blood, fewer than 5% of people donating blood in 2018 were from Black, Asian and minority ethnic communities. This is despite these communities representing around 14% of the population. 40,000 more black donors of all blood groups are needed to meet the growing demand for better matching and we need to try and readdress this balance. We believe that promoting awareness and reaching out to Black, Asian and minority ethnic communities, asking for more blood donors would reduce the number of tragically avoidable deaths. Just one avoidable death is too many lets work together to make a difference save lives and keep families together, to stop loved ones being taken from us too soon. We call upon this conference to mandate UNISON to fund and develop a campaign to raise awareness within Black, Asian and minority ethnic communities and to, consequently, increase the number of donors and suitable supply.

### ***UNISON Bournemouth Christchurch and Poole***

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Beyond the remit of the Committee

#### **Motion Caucus representatives on National Disabled Members Committee**

Conference is concerned about the lack of accountability of delegates elected to positions on National Disabled Members Committee (NDMC) from caucus meetings held at conference. The delegates are elected at conference in October or November to represent members of the caucus, take up the positions at the end of conference and have full speaking and voting rights on NDMC. Although caucuses meet at NDMC meetings only members of NDMC are present. Caucuses don't meet regularly so it is not clear who the delegates represent, who they report back to or if the issues they raise are those of the members they represent or their own.

Caucuses hold network days in June and August to write and submit motions and amendments to conference. Previously the only member of NDMC able to attend was the caucus delegate but due to low turnout it was recently decided that any member of NDMC who identified with the caucus could attend. A high proportion of those who attend are members of NDMC which gives them a greater opportunity to submit motions and influence the conference agenda than members who are not on NDMC. The cost of holding these meetings is a considerable pressure on UNISON's finances at a time when we are reviewing all expenditure.

Although caucuses submit motions and amendments they often struggle to find anyone to move them at conference as those attending the network days don't always go to conference. Last year several were moved by members of NDMC which is not within the spirit of UNISON's rules.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

Conference recognises the positions were created to address under-representation on NDMC but, except for the members elected from the Deaf Caucus, these roles just replicate positions on NDMC held by delegates from National Black Members Committee and National LGBT+ Committee. National Women's Committee elect two delegates to NDMC but don't elect additional representatives from the caucus.

Caucuses are an essential part of our union. They help us find out about issues our members face as a result of dual or multiple discrimination, but this can be done without having unaccountable caucus delegates on NDMC.

Black Members Caucus, Disabled Members Caucus, LGBT+ Caucus and Women's Caucus are recognised within UNISON's rules but how they are involved in each Self-Organised Group (SOG) is a decision for each SOG. The Deaf BSL Caucus is only recognised within Disabled Members Constitution and as such does not have any rights of existence outside of Disabled Members structures.

To improve accountability, make the most effective use of UNISON's resources and maintain representation for the Deaf BSL Caucus conference calls for the National Disabled Members Constitution and the Standing Orders for Disabled Members Conference to be amended as follows:

- 1) Disabled Members Constitution section i). delete "two co-opted members from the Lesbian, Gay, Bisexual and Transgender caucus at Disabled Members Conference" and "two co-opted members from Black members' caucus at Disabled Members Conference";
- 2) Disabled Members Constitution section viii) delete the final paragraph which begins "Caucus network meeting....."
- 3) Standing Order 3.1 replace the word Caucus with the word committee on the first three occasions;
- 4) Delete standing order 3.4 and replace with "The Deaf (native British Sign Language Users) Caucus shall be entitled to meet in accordance with National Disabled Members Conference timetable to enable greater participation from this under-represented group and to submit motions and amendments of concern to the members of the group;
- 5) Standing Order 4.2 delete National Black Members Caucus, National Lesbian, Gay, Bisexual and Transgender Caucus and National Women Members Caucus;
- 6) Standing Order 8.2 replace the word 'Caucus' with the word 'Committee' on the first three occasions;
- 7) Delete Standing Order 15.1.7 (i) and 15.1.7 (ii)

***Northern Region***

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Can be dealt with in other ways

**Motion Amendment to Disabled Members Standing Orders**

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

Delete “Lesbian, Gay, Bisexual & Transgender” wherever it appears and insert “Lesbian, Gay, Bisexual & Transgender Plus”

Delete “LGBT” wherever it appears and insert “LGBT+”

*Haringey UNISON Local Government (M)*

### **Motion Amendment to NDMC Constitution**

Delete “Lesbian, Gay, Bisexual & Transgender” wherever it appears and insert “Lesbian, Gay, Bisexual & Transgender Plus”

*Haringey UNISON Local Government (M)*

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Conflicts with an Existing Rule

### **Motion Legal Representation for all Disability Cases; a disability protocol**

Disability awareness and discrimination are complex topics and many branches, and even some regions, do not have the expertise and knowledge to fully support our members, despite an obvious willingness to do so. This is not a surprise considering the intricate and diverse nature of disability and disability discrimination.

We therefore call on the NDMC to devise, in consultation with the NEC, a protocol similar in nature to the Race protocol which allows for legal representation at an early stage in Race cases. Our disabled members would therefore be more comprehensively supported, as would our branches and regions.

*Eastern Region*

### **Motion Disability Discrimination Protocol**

Conference is concerned that almost 25 years after the Disability Discrimination Act 1995 and nearly 10 years since the Equality Act 2010 became law, discrimination against disabled people is still common place, including in employment, in education and in the provision of goods and services.

Evidence shows disabled members are finding it increasingly difficult to get the reasonable adjustments they need, including in employment, with some even reporting the loss of existing support as a part of the drive to cut spending.

Competitive selection processes that favour non-disabled people; pressure from managers, and in some cases colleagues, to ‘do the right thing and take voluntary redundancy’; and the rise in dismissals due to sick leave or capability also mean disabled members are disproportionately affected by public sector job losses.

Disabled people have been harder hit by the ideologically driven agenda of austerity than any other group in society, for example research shows welfare reform has had a 10 times worse impact on disabled people than non-disabled people.

And while discrimination against disabled people may be increasing, the support to tackle it is almost non-existent. Legal aid for people discriminated against when accessing goods and services has long gone; funding for the network of trained Disability Rights Caseworkers based in Law Centres has been scrapped; more and more disability advice services are closing or do not have funding or resources to

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

support disabled people, the Disability Rights Commission helpline and legal support service, that represented disabled people in some ground-breaking cases, has been replaced with the Equality Advisory and Support Service (EASS) that “cannot provide legal advice or representation”; and the resources dedicated to the Equality and Human Rights Commission which is the enforcement body are constantly being cut.

Conference applauds UNISON’s successful legal challenge of tribunal fees but is worried that the government are already looking at how they can reintroduce them.

We value the support UNISON offers disabled members experiencing discrimination and prejudice in the workplace but know it can sometimes be difficult to identify and prove disability discrimination.

We recognise the benefits of UNISON’s Race Discrimination Protocol but are concerned that there are not similar procedures to help identify and pursue cases of disability discrimination.

Conference therefore calls on National Disabled Members Committee to work with the National Executive Council to:

Work with Labour Link to campaign for the reinstatement of an effective disability discrimination helpline and legal support service;

- 1) Provide guidance to branches and regions on how to identify whether there is a possibility that a member is being discriminated against for disability related reasons; and
- 2) Investigate options for developing and implementing a Disability Discrimination Protocol that offers guidance and support similar to that provided by the Race Discrimination Protocol.

### ***National Disabled Members Committee***

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Could place the union in legal jeopardy

#### **Motion Universal Credit – Stop and Scrap**

Not printed on the advice of the legal officer

***Lambeth***

#### **Motion Celebrating our Disabled Members Self Organisation and Diversity**

Not printed on the advice of the legal officer

### ***National Disabled Members Committee***

#### **Motion “UNISON MEETING REASONABLE ADJUSTMENTS FOR ACTIVISTS”**

Not printed on the advice of the legal officer

***North West Region***

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Not sufficiently clear

#### **Motion How we refer to ourselves**

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

Conference is aware that how others refer to us can deeply affect us; therefore, how we refer to ourselves is even more important.

In our native language of Wales, Welsh, it is not possible to refer to the Disabled Members Self Organised Group. Instead the wording is ' Grwp hunan-drefnedig aelodau anabl' which literally translates as 'Self Organised Group for members who are disabled'.

The Cymru/Wales Regional Group commends to members of this Conference this wording (in English) and recommends to members that they consider this wording as more reflective of our groups.

Therefore Conference agrees to ask our National Committee to review the current wording and consider putting in place all necessary step to bring forward suitable changes in the titles of our Branch, Regional and National groups, including arranging for the National Delegate Conference to consider the issue and , if necessary, to change our Rules and Standing Orders. This should be done as soon as possible.

### ***Cymru/Wales Region***

#### **Motion Mental Health support at conferences**

1 in 4 people are affected by mental health issues and it is very likely that this figure is now 1 in 3. Increased stress at work and in personal lives impact on mental health and with cuts to mental health funding, services to help people are taking longer and longer to be granted.

Attending UNISON conferences can cause an increase in stress. Being new to a conference, not knowing the area, not being around familiar people and speaking for the first time on motions, can all have an impact on people's mental health. In order to encourage people to attend conferences, UNISON needs to be proactive in ensuring there is a support system in place.

This conference calls upon that National Disabled Members Committee to:

- 1) Work with the National Health & Safety Committee to look at avenues of support for members at conferences
- 2) Create a "buddy" system for the Disabled Conference to enable members to have a support system in place
- 3) Campaign for organisations to have an Employee Assistance programme in place which members can use as needed

### ***Yorkshire and Humberside Region***

#### **Motion Whispering Death**

There are two government policies aimed at reducing pollution within our cities. One is encouraging the use of Electric-powered vehicles, including taxis, on our roads; the other the introduction of cycle paths.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

Although these are commendable in reducing pollution in our cities, they present additional problems for those with eyesight disabilities. Research shows that some electric and hybrid vehicles can't be heard until one second before impact with a pedestrian (University of California, 2008).

They will be unable to hear electric-powered vehicles approaching when attempting to cross the road as well as giving a surrealistic passenger experience in a silently slow-moving bus before the sound of the engine starting. Pedestrians are 40 per cent more likely to be hit by a hybrid or electric car than by one with a petrol or diesel engine in the UK (Guide Dogs, 2015).

At the moment, many models of electric cars are fitted with a button which simulates the sound of an engine. It's optional and can be turned off by the driver.

EU Regulations require manufacturers to fit artificial sound generators on new types of electric and hybrid electric vehicles from 2019. Nissan has already developed an artificial warning sound which will be clearly audible for pedestrians. By 2021, all new electric and hybrid electric vehicles on sale will have to have sound generators but with 4000 electric vehicles registered every month last year the problem exists now.

Those with eyesight problems may also find it a disconcerting experience when travelling to and from work and may arrive in a nervous state. Alternative, longer and more time-consuming journeys to work will probably have to be taken resulting in the worker often arriving late and in a distressed state.

We therefore call on conference to:

- 1) Campaign to raise awareness amongst activists and members to encourage those with electric vehicles to turn on their artificial engine sounds.
- 2) To engage with relevant charities, such as RNIB, on supporting their campaigns.
- 3) Produce guidance for activists on asking employers to apply Reasonable Adjustments allowing the member to alter their work hours to avoid rush-hour traffic.
- 4) Re-publicise guidance for the Access to Work Scheme so, if the employer requires travel to work during rush hour to apply to Access to Work for the use of a taxi.
- 5) Create guidance on homeworking for disabled members to allow the worker, where permissible, to work from home possible using.

***West Midlands Community Branch***

### **Motion Organ donation – giving the gift of life**

Conference around 6,000 people in the UK need are waiting for a transplant and in the last year alone over 400 people died before getting the organ they need. People need transplants for various reasons but every person on that waiting list is disabled. Some of them are our Disabled Members and they need help if they are to survive.

## **2019 National Disabled Members' Conference UNISON PRELIMINARY AGENDA**

While the decision to be an organ donor is, and must always be, an individual choice we applaud the Welsh Assembly for making Wales the first nation in the UK to introduce an opt out system of organ donation. We also recognise that recent legislation that means England and Scotland will soon move to a similar system.

But there is more to be done to raise awareness of and increase organ donation and reduce the number of people who lose their lives while waiting for a transplant.

Even with an opt-out system it is important to register as a donor and talk to your family about your wishes. They will always be approached and can refuse permission for your organs are removed if they don't know you want to be a donor.

Recent statistics show parents are significantly less likely to donate their children's organs for life saving transplants meaning children and young people are more than twice as likely to die while waiting for a transplant than an adult.

Agreeing to donate a child's organs is one of the hardest decisions a parent can make but it is only ever discussed when they are suffering the heartache of losing a child. Most parents who donate say that knowing their child has saved others brings them comfort but that the decision would have been less difficult if they had thought about it before their child was dying or on life support.

Talking about organ donation is difficult, especially when it involves children, but they will only become less difficult when they are part of routine health checks. In some countries, organ donation is part of routine discussions during pregnancy about risks associated with drinking or smoking and tests for medical conditions.

Talking about organ donation is hard because we aren't comfortable talking about death but they're easier than the conversations our members who provide care and support have with patients who need a transplant. Easier than asking grieving parents if they'll donate their child's organs. And easier than the conversations our disabled people including our Disabled Members waiting for a transplant must face.

Conference these conversations can become easier but only when we talk about organ donation openly and regularly. Conversations can be made easier if they become part of routine health checks. Conversations about organ donation must be made easier because the conversations when someone loses their fight for life while waiting for a much need transplant will never be easy or routine.

Conference call on National Disabled Members Committee to work with the NEC to:

- 1) Support the campaign to raise awareness of organ donation and the need to register even if there is an opt-out system in place;
- 2) Provide guidance to Branches and Regions on how they can support Disabled Members in the workplace who are on a transplant waiting list;
- 3) Work with the Health Service Group Executive to identify ways that organ donation can be included in routine health checks including during pregnancy;
- 4) Work with Labour Link to campaign for organ donation to become part of those routine health checks.

**2019 National Disabled Members' Conference  
UNISON PRELIMINARY AGENDA**

*Newcastle City*