



**2019 National Disabled Members'  
Conference**

**RECORD OF DECISIONS AND  
BALLOT RESULTS**

## 2019 National Disabled Members' Conference Decisions

### National Disabled Members Conference 2019 – Ballot report

1. There was one nomination for one place as the newsheet member at National Delegate Conference 2020. Lincoln Paul Davis was elected unopposed.
2. There were seven nominations for two places at National Delegate Conference 2020. Kathleen Kennedy and Cath McGuinness were elected.
3. There were four nominations for four places on the Standing Orders Committee for National Disabled Members Conference 2020. Sharron Atkin, Peter Sharma, Sharon Carby-Mc-Lean and Jessamy Wykes-Robinson were elected unopposed.
4. There were seven nominations for one place at TUC 2020. Kathleen Kennedy was elected.
5. The two motions to National Delegate Conference chosen by ballot were
  - Motion 12– Campaigning to end the disability pay gap
  - Motion 22 – Not just a bit of banter: Tackling sexual harassment of disabled women in the workplace
6. Service Group and Labour Link Election results were as follows:

Community Conference	Peter Daley Omolola Oyewusi
Energy conference	Tansaim Hussain-Gul Claire Aylwin
Health Conference	Susan Parkinson Abdul Rahman
Higher Education	Eric Atkinson Alice Smith
Local Government	Kathleen Kennedy Cath McGuinness
Police and Justice	Paul O'Dwyer Chelsea Skervin
Water, Environment and Transport	Ian Pinches Elaine White
Labour Link Forum and Labour Party Conference	Maggie Griffin Cath McGuinness

### Caucus Elections

Black Members national disabled members committee reserved seats	Peter Daley Veronica Price Job
Black Members standing orders committee reserved seats	Angela Aboagye Omolola Oyewusi
Deaf (Native BSL users) national disabled	Iain Scott Burdon

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members committee reserved seats	Gillian Jeffery
LGBT+ national disabled members committee reserved seats	Carl Phillips Leigh Fredson
LGBT+ standing orders committee reserved seats	Yolande Morgan Alex de Winter

Susan Mawhood, Ballots Officer

- M1 Celebrating our Black disabled caucus**
- M2 Towards a more inclusive disabled members LGBT+ caucus**
- M3 Educate to celebrate our diverse disabled and LGBT+ families**
- M4 PIP assessment support**
- M5 Equipping our stewards to support our disabled members**
- M6 AGEISM AND THE EXPERIENCE OF DISABILITY**
- M7 Awareness of Access To Work**
- M8 Disability Passports in the Workplace**
- M10 Disabled Women and Sickness Absence**
- M11 NON-APPARENT DISABILITIES**
- M12 Campaigning to end the disability pay gap**
- M13 Mental Health First aiders**
- M14 Meaningful Annual Disability Employment Statistics**
- M15 Accessible Public Toilets**
- M17 Access to Mental Health services for Deaf people**
- M20 Black Disabled People and the Windrush scandal**
- M21 Accessible Domestic Abuse Services**
- M22 Not just a bit of banter: Tackling sexual harassment of disabled women in the workplace**
- M23 Fighting Unfair Work Capability Assessments**

## 2019 National Disabled Members' Conference Decisions

### Motions

#### 1. Celebrating our Black disabled caucus

**Carried as Amended: COMPOSITE A**

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 further notes that the success of the Black caucus is also reflected in our LGBT+, women's and Deaf (BSL) caucuses. Conference believes that the UNISON approach to caucuses incorporates an understanding of intersectionality and of our rich and multiple identities as Black, women, Deaf and LGBT+ disabled people.

UNISON has always believed that self organisation and a clear and accountable voice within the union's structures is the best and most effective way to ensure diverse and under-represented voices are heard. Conference therefore re-affirms its commitment to this core value of our union and to the further development and growth of the caucuses within the Disabled members SOG as this is how the under-represented voices of those experiencing discrimination can be heard and privilege can be addressed.

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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
- 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
- 4) Actively promote our caucuses and the national network days and encourage caucus development at regional level to increase participation of under-represented disabled members in regional disabled members self-organisation
- 5) Continue to robustly support our caucus structures as the best way of ensuring the voices of our under-represented members are heard

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

**Carried as Amended: 2.1**

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 acknowledges that our caucuses have been a key training ground for disabled members from under-represented groups, including LGBT disabled members, and that the UNISON approach to caucuses incorporates an understanding of intersectionality and of our rich and multiple identities as Black, women, Deaf and LGBT disabled people.

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

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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:

- 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.
- 5) Continue to robustly support our caucus structures as the best way of ensuring the voices of our under-represented members are heard.

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

**Carried**

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

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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 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 or frightened of. Many education staff at



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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.

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

#### 4. PIP assessment support

**Carried as Amended: 4.1, 4.3, 4.4**

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

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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/non-apparent 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.

Assessors are also often unaware of the impact of non-apparent impairments that disproportionately impact on Black disabled people, such as lupus and sickle cell and thalassaemia, and Black disabled applicants can be turned down for PIP as a result.

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:

- 1) Create guidance materials on the process for PIP assessments and the support channels that can be used during this process.
- 2) Work with UNISON's There For You charity to provide information to/for Branch Welfare Officers to be able to signpost members to support services available to those members going through PIP assessments
- 3) Communicate guidance on disability training to Branches, such as the autism awareness course and encourage Welfare Officers to undertake training and work with UNISON Learning and Organising Services (LAOS) to consider developing Deaf awareness training resources for activists.
- 4) Campaign for fully trained British Sign Language (BSL) interpreters to be available to Deaf (native BSL) PIP applicants and for Deaf awareness training for Department of Work and Pensions, PIP assessment and call centre staff.

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

Carried as Amended: 5.1, 5.2

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 be aware 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 notes UNISON's new 'Stewards Guide – Representing Deaf (Native BSL) Members' which has been developed to assist stewards in representing and organising Deaf members in the workplace and is an additional tool in our stewards' armoury as we seek to equip them with the knowledge and skills they need to support all of our disabled members.

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.
- 4) Publicise UNISON's new stewards guide to representing Deaf members and call on regions and branches to use the guide in seeking to ensure our Deaf members get the best representation possible from their union.

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### **6. AGEISM AND THE EXPERIENCE OF DISABILITY**

**Carried as Amended: 6.1, 6.2**

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. Provision for older Black disabled people is often not reflective of Black heritage and may not meet cultural and religious needs. Additionally, older disabled people who identify as LGBT+ may face additional prejudices and discrimination when accessing social care, such as care homes for example, as publicised in Marie Curie's 2016 report titled: 'Hiding who I am – the reality of end of life care for LGBT people'.

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.

### **7. Awareness of Access To Work**

**Carried as Amended: 7.1, 7.2, 7.3**

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 Notes that Access to Work also runs a mental health support service for employees working in Scotland, England and Wales to support individuals who are experiencing difficulties at work due to depression, anxiety, stress and/or other mental health conditions. Support is available for nine months to help the individual get back on track.

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Conference calls on NDMC to review, update where necessary and publicise UNISON's guidelines for branches to help them support their disabled members in accessing the National Access to Work Programme and other relevant local, regional and national support programmes including mental health support.

### 8. Disability Passports in the Workplace

**Carried**

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.

### 10. Disabled Women and Sickness Absence

**Carried as Amended: 10.1, 10.2, 10.3**

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

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protections. Conference is also aware that some transgender men and non-binary people can also be affected by such conditions. 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. These issues also impact other people who can become pregnant, such as transgender men and non-binary people.

Conference is also concerned by the general lack of understanding and support from employers when these conditions affect our disabled transgender colleagues. There is no single way to transition, and different trans people will undergo different medical and surgical procedures. This means that transgender people may remain susceptible to conditions usually affecting their sex assigned at birth, yet many employers fail to recognise this.

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 combined discrimination.

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 in conjunction with relevant charities that specialise in these areas.
- 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.
- 5) Liaise with the National LGBT+ Committee to increase understanding of how these issues also affect our transgender and non-binary disabled members and include this in the work being undertaken on these issues.

### 11. NON-APPARENT DISABILITIES

Fell

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

**Carried as Amended: 12.1, 12.2**

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.

Since the introduction of mandatory reporting there is a mandatory requirement for employers with over 250 staff to publish their gender pay gap. However there is a need for much stronger enforcement. There is also no requirement for employers to actually take any concrete steps to tackle the gender pay gap and the pay gap in public services has in fact marginally increased since reporting began in 2018. Nonetheless, when it comes to the disability pay gap there is not even a mandatory requirement that employers publish this data.

Conference notes that pay gaps are complex and disabled women and Black disabled people experience a double or even triple whammy. There is also a lack of data on how LGBT+ workers' pay compares to non LGBT+ people. However a survey of 4,000 LGBT+ workers published by YouGov in June 2019 found that LGBT+ workers are paid £6,700 per annum less than their non-LGBT+ colleagues. Many LGBT+ workers conceal their sexual orientation or gender identity at work due to fears that it will impact on their promotion prospects and their pay.

Conference believes that we can only smash the pay gap for disabled workers if we take an intersectional approach that acknowledges the ways in which women and Black workers in particular are also discriminated against when it comes to pay. For

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many of our members their pay is impacted by layers of discrimination based on race, gender, disability and on sexual orientation or gender identity.

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.
- 4) Campaign for better enforcement of gender pay gap reporting, including considering whether non-compliant employers should face higher corporate tax bills, and for a statutory requirement for employers to publish robust action plans to tackle their pay gaps.
- 5) Take an intersectional approach to work on the pay gap, acknowledging the differential experience of disabled women and Black disabled workers, and work with the National LGBT+ Committee to support efforts to identify pay discrimination issues for disabled LGBT+ workers.

### 13. Mental Health First aiders

Lost

### 14. Meaningful Annual Disability Employment Statistics

Carried as Amended: 14.1, 14.2

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 compliments 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 and encourage employers to tackle their disability employment gap, whereby disabled people have an employment rate which is 30% lower than non-disabled people.

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 believes that although Disability Confident



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may act as a way of encouraging employers who are already positive about disability, only a mandatory and independently assessed scheme can tackle those employers who do little or nothing to support disabled staff.

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 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.

In addition, conference recognises that the disability employment gap is complicated by occupational segregation whereby women are over-represented in low paid cleaning, catering, clerical, cashier and child care jobs (the five 'Cs'). For disabled women this can mean that not only do they face barriers to accessing the workplace as a disabled person, they face further barriers as a woman in accessing higher paid jobs outside of the five 'Cs'. Employment statistics need to include such issues of intersectionality if they are to be meaningful and lead to improvements for all of our disabled members.

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 service 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 including

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issues of intersectionality 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 including issues of intersectionality, 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.

### 15. Accessible Public Toilets

**Carried as Amended: COMPOSITE B**

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 an accessible toilet.

For a range of reasons many disabled people face barriers to using 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.

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 non-apparent illnesses have disabilities and long-term health conditions that are not physically obvious, leading to disabled people experiencing stigma or abuse. Research by Crohn's and Colitis UK has revealed that

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61% of those affected by the condition have experienced verbal or physical abuse simply for using an accessible toilet.

For others, even a standard accessible 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 accessible 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 hidden/non-apparent 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.
- 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.

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

**Carried**

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

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only available in some areas, resulting in a postcode lottery where Deaf people have 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.

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

**Carried**

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 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.

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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.

### 21. Accessible Domestic Abuse Services

**Carried as Amended: 21.1, 21.2**

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 and threats to 'out' LGBT+ women to their friends and families. 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.

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 notes that disabled women with learning difficulties are more likely to experience abuse from a range of perpetrators. They may have more difficulty reporting abuse and may have more difficulty being believed or being seen as a credible witness. They may also face barriers from services that fail to look beyond the disability to be able to identify indicators of abuse and assess risk.

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.

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The support required by victims and survivors of domestic abuse in same sex relationships is often overlooked with disabled LGBT+ people facing additional barriers to accessing support that is unique to their sexual orientation and/or gender identity, and specialist, accessible support is crucial.

Well-resourced specialist LGBT+ support within the domestic abuse sector is key to effective support for LGBT+ victims and survivors, however specialist services are extremely limited; it is vital that non-LGBT+ domestic abuse services are adequately trained and equipped to respond to victims and survivors confidently and sensitively.

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) Raise awareness among learning disability services and women support services of the particular vulnerabilities faced by disabled women with learning disabilities who experience all forms of domestic abuse, and the greater barriers they may face in terms of accessing support.
- 3) Campaign for more sustainable funding for refuges so that sufficient accessible places are available to accommodate all disabled women.
- 4) 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.

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

**Carried as Amended: 22.1**

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.

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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),

- i) More than twice as likely to report sexual assault (38% compared to 14%) and
- ii) 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. This includes acknowledging the experience of Deaf women who face specific barriers to reporting harassment at work.

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:

- 1) Publicly supporting the #MeToo and #TimesUp campaigns
- 2) Conducting further research into women in UNISON and the sexual harassment they experience

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- 3) Producing tool kits for activists on negotiating a zero tolerance sexual harassment policy with employers, with appropriate protections and safe reporting routes
- 4) 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 including Deaf 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
- vii. Campaign for accessible workplace sexual harassment reporting mechanisms, including text, videophone and British Sign Language services

### 23. Fighting Unfair Work Capability Assessments

**Carried**

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.



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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.

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.