



**2022 National Disabled Members'
Conference**

**RECORD OF DECISIONS AND
BALLOT RESULTS**

**2022 National Disabled Members' Conference
Decisions**

**National Disabled Members Conference 2022
Ballot Report**

1. There were six nominations for two delegates to National Delegate Conference 2023.
Graeme Ellis and Susan Parkinson were elected.

2. There was one nomination for the news sheet member at National Delegate Conference 2023.
Marcelle Quinn was elected unopposed.

3. There were three nominations received for four seats on the Standing Orders Committee by the advertised deadline for nominations.
Angela Aboagye, Heather Briggs and Maggie Griffin were elected unopposed.

There were 10 nominations received by the re-advertised deadline for the vacant general seat on the Standing Orders Committee.
Steven Lowery was elected, with Tania Earnshaw as the reserve.

There were two nominations for the two reserved LGBT+ seats on the Standing Orders Committee.
Alex DeWinter and Polly Smith were elected unopposed

There was one nomination for the two reserved Black members seats on the Standing Orders Committee.
Sharon Carby-Mclean was elected unopposed.

Ash Silverstone was elected to the remaining reserved Black members general seat on the standing orders committee. Carlene Rose and June Bonett were elected as reserves.

4. There were six nominations for one delegate to TUC Congress 2023.
Maggie Griffin was elected, with Sonya Howard as the reserve.

5. The two motions to National Delegate Conference chosen by ballot are:

- Motion 12 – Men and Mental Health
- Motion 1 – Securing the Legacy of the Year of Disabled Workers

6. Service Group election results are as follows:

7.

Community Conference delegates	Toby Morrison Patricia Rider
Energy Conference delegates	Jane Brooks Tansaim Hussain-Gul
Health Conference delegates	Abdul Rahman Reema Waltham
Higher Education Conference delegates	Sanchia Alasia Mark Harvey

**2022 National Disabled Members' Conference
Decisions**

Local Government Conference delegates	Tracie Bonnici Nicola Moran
Police & Justice Conference delegates	Jo Speer Richard Meakin
Water, Environment and Transport Conference delegates	Anthony Hill Heather Briggs

8. 11 nominations were received for two delegates to Labour Link Forum and Labour Party Conference.
Graeme Ellis and Sonya Howard were elected.
9. Two nominations were received for the two reserved LGBT+ members seats on the National Disabled Members Committee.
Carl Phillips and Donna Hollett were elected unopposed.
10. Three nominations were received for the two reserved Black members seats on the National Disabled Members Committee.
Tansaim Hussain-Gul and Lola Oyewusi were elected.
11. Two nominations were received for the two reserved Deaf (native BSL) members seats on the National Disabled Members Committee.
Ian Scott-Burden and Gillian Jefferies were elected, with Tina Kemp as the substitute.

Susan Mawhood
Ballots officer

**2022 National Disabled Members' Conference
Decisions**

- M1 Securing the legacy of the year of disabled workers**
- M2 Smashing all equality pay gaps**
- M5 Uncovering the impact of Covid 19 on disabled members**
- M7 Access All Areas: Addiction services that are open to all**
- M8 Accessible mental health services**
- M10 Disabled people and the cost of living crisis**
- M11 Disability Pay Gap**
- M12 Men and mental health**
- M13 Transport: Government fails again**
- M14 Say NO to a Bill of Rights that REDUCES disabled and
LGBT+ rights**
- M15 Long Covid and access to PIP for Black disabled workers**
- M16 Towards an inclusive Women's Health Strategy**
- M17 BSL Act – Next steps in protecting and preserving our
language**
- M19 Breaking down barriers to employment**
- M22 SELF-ORGANISATION: NOTHING ABOUT US, WITHOUT US,
IS FOR US**
- M23 Trans Ally Training**
- EM1 Tory chaos – subject to change**

2022 National Disabled Members' Conference Decisions

Motions

1. Securing the legacy of the year of disabled workers

Carried as Amended: 1.1

Conference notes the success of UNISON's Year of Disabled Workers 2022 and places on record our thanks to all of our disabled members and activists who have driven this success throughout our union. Through this year, we have seen renewed focus on the experience of disabled members in our union, in the workplace and in society.

We have used the year to highlight the important contribution our disabled members make to the union, to improve terms and conditions for disabled workers and to campaign for improved rights for all disabled workers.

Yet, as the Year of Disabled Workers draws to a close, it is vital that the level of activity from the last year doesn't end as the union moves onto the next initiative. We need to ensure that activism amongst disabled members increases and that disabled members are visible at all levels in our union.

Conference acknowledges that tackling systemic and ingrained discrimination against disabled workers will take more than one year and we need to use the success of the year of disabled workers to continue our work and secure a lasting legacy for our members in all areas of our union.

Conference believes that being disabled is not offensive, nor something to be ashamed of, and in a population where many more millions of people may end up disabled through ageing, accident or illness, we, as a union, need to promote the identity of disabled people as worthy, functioning, and capable members of society who often, with the support of reasonable adjustments, are able to lead fulfilling lives both personally and within the workplace.

Disabled adults need to be seen as positive role models so that disabled children can have goals and aspirations, alongside their non-disabled peers, and by reclaiming the words disabled and disability we confront and challenge the negative connotations that many people associate with these words.

Conference therefore instructs the national disabled members committee to:

1. Work with regional disabled members groups to fully evaluate the success of the year with an indicator of where activity has taken place and the range of stakeholders involved.

2. Work with regional disabled members groups to establish a programme of activities which build on the achievements of the year.

3. Work with service groups to follow up on the Year of Disabled Worker motions which have been passed by Service Group Conferences to deliver the bargaining agendas for disabled members.

4. Publicise UNISON's now regular online Disabled Members Officers and Contacts training to all branches and provide monitoring information for regions of attendees based on regions and service groups.

2022 National Disabled Members' Conference Decisions

2. Smashing all equality pay gaps

Carried

Conference notes that pay gaps affect large swathes of our membership regardless of service group or self organised structures within UNISON.

Pay gaps measure the average hourly pay of a group of people with a 'protected characteristic,' such as women or Black workers, compared to the average hourly pay for men or white workers for example.

For example, according to government statistics:

- a) The disability pay gap was 13.8% in 2021, meaning disabled people get paid on average £1.93 per hour or £3,512 per year less than non-disabled people
- b) The ethnicity pay gap was 2.3% in 2019, but this masks significant disparities with the London ethnicity pay gap standing at 23.8%
- c) The gender pay gap was 15.4% in 2021, an increase on 2020
- d) There is very little official data about the LGBT+ pay gap but we know from a YouGov survey in 2019 that lesbian, gay, bi, and trans workers responding reported being paid an average £6,700 per year less than non-LGBT+ colleagues, a 16% pay gap. UNISON's experience is that trans workers are likely to be particularly impacted.

Younger workers are also more likely to experience low pay.

The pay gaps are even higher for people who have more than one protected characteristic, such as Black and disabled women.

It is important to note that equal pay is different to pay gaps. It is illegal to pay a worker less for doing work of equal value. However pay gaps are more complicated and are more difficult to tackle.

Equality and Human Rights Commission (EHRC) research indicates women, people from racial minorities and disabled people endure pay gaps due to barriers to accessing work and career progression.

In fact pay gap reporting is a relatively basic indicator of inequalities in the workplace, in recruitment, promotion, training, and reward.

A big cause of the gender and disability pay gaps is that jobs offered on a part time basis are usually at the lower end of the pay scale and it is often women with caring responsibilities and disabled people who face barriers to working full time that have to do these jobs. There are also some jobs that are not valued by society and are often carried out by people who are more likely to face discrimination when they try to get a better job in another sector. The roles that aren't valued include jobs in care, catering, cleaning, admin and retail. Women, and disproportionately Black and migrant women, often do these jobs. These are some of the lowest paid sectors with the worst terms and conditions, driving the ethnicity and gender pay gaps.

Disabled people are entitled to reasonable adjustments by law under the Equality Act 2010 so that they don't face barriers at work. However, many disabled workers are

2022 National Disabled Members' Conference Decisions

refused adjustments or have to wait months or even years to get them. This makes it difficult for them to do their job and they often end up denied training, promotion and better pay as a result.

Discrimination is also key to pay gaps. Black workers are more likely to face unfair disciplinary action at work and lesbian, gay, bisexual and trans workers can experience bullying and harassment. These workers can be denied opportunities to advance in their role just because they are Black or LGBT+.

Presently there are no requirements in the UK for employers to comment on, or disclose the ethnicity or disability pay data they hold.

Conference notes that UNISON's national Black members committee has publicly called for mandatory ethnicity monitoring. In parallel to this, UNISON has long supported mandatory disability pay gap monitoring and the Disability Employment Charter, of which UNISON is a founder member, includes this as a key ask.

Conference welcomes UNISON's new Quick Guide 'Bargaining on Pay Inequality - Pay Gaps: What they are and what your branch can do about them'. This includes helpful ideas on how to take action locally.

Conference therefore calls on the National Disabled Members Committee to work closely with the National Black Members Committee to:

1. Work with UNISON's learning and organising services to seek to develop a training package explaining what pay gaps are and how to take concrete steps in the branch to make a difference.
2. Raise the disability and ethnicity pay gaps with regions, branches and service groups so that the drivers of pay gaps can be included in local and national bargaining agendas with employers
3. Consider working with existing campaigns or developing a UNISON campaign to push for mandatory disability and ethnicity pay gap reporting
4. Publicise the new Quick Guide 'Bargaining on Pay Inequality - Pay Gaps: What they are and what your branch can do about them' to branches and regions.

5. Uncovering the impact of Covid 19 on disabled members

Carried as Amended: 5.1

Conference, many of our disabled members feel anxious and concerned about returning to the workplace following the pandemic. They are worried that they are being left vulnerable to Covid 19 after the government removed legal restrictions and access to free testing earlier this year. Members who were previously considered clinically vulnerable, have not been afforded any extra protections in their workplace by the government.

2022 National Disabled Members' Conference Decisions

This has placed many of our disabled members at risk of contracting Covid 19, when they are at greater risk of serious illness and long covid.

At the same time, for some disabled women workers, the workplace may be safer than their home due to the impact of domestic abuse, the incidence of which rose during the pandemic. This issue needs to be understood by employers when looking at hybrid and home working policies.

Conference believes that employers should be more understanding of the risks and concerns of their disabled workers and provide support for employees to be more aware of the impact of Covid on their disabled colleagues and encourage all staff to test regularly (offering testing kits where possible) and to stay away from work if they have symptoms or test positive.

We call upon the National Disabled Members Committee to work with relevant areas of the union to:

1. Conduct a survey of disabled members to ascertain their experiences of work in a post-covid world, the impact on their health and what support has been offered by their employers for example; – whether disabled members have been able to access hybrid working, whether specialist equipment has been easily obtainable for working from home, have managers carried out appropriate risk assessments for disabled workers.
2. To report back the survey findings via the regional delegates to National Disabled Members Committee
3. For National Disabled Members Committee to draft guidance documents for branches to use as bargaining and negotiating tools to help protect disabled workers in the workplace.

7. Access All Areas: Addiction services that are open to all

Carried as Amended: 7.1, 7.2

Conference notes that drug and alcohol addiction can happen to anyone. Disabled and Deaf people can also become addicted to drugs and alcohol. However, for many Deaf people who become addicted, there is nowhere to turn for help. The services that exist are already overstretched and underfunded, but added to this they are very unlikely to be accessible to Deaf people.

Those services and charities that do exist often don't provide information in British Sign Language and don't offer counselling or other interventions in BSL

Services where they exist are also often built around the needs of men, based on outdated stereotypes of addiction, and don't offer much for often female family and carers of people who have problems with addiction.

In some Black communities there is a stigma around disclosing issues with addiction and services that do not address this can be a barrier to some Black Deaf and disabled people accessing help.

2022 National Disabled Members' Conference Decisions

This leaves many Deaf people to struggle alone with their addiction. This can of course have a knock-on impact on their working life, whether through sickness absence, performance issues or disciplinary action.

Conference therefore calls on the National Disabled Members Committee to:

1. Campaign for increased funding for accessible and inclusive drug and alcohol addiction services
2. Raise awareness of the impact of addiction in the workplace, review existing guidance and consider whether there is scope for further resources for our stewards who may be supporting Deaf and disabled members experiencing drug and alcohol addiction.

8. Accessible mental health services

Carried as Amended: 8.1

Conference is concerned about the growing impact of mental health problems on Deaf people. This problem has increased because there are simply not enough accessible mental health services. Deaf people who live in rural areas have almost no chance of finding accessible mental health services that don't require a long and difficult journey.

Conference welcomes the work of SignHealth but notes that it is only able to deal with a portion of the need due to lower than required levels of funding. This has led to an unacceptable postcode lottery for Deaf people with mental health problems.

Conference therefore calls on the National Disabled Members Committee to:

1. Work with the Health Service Group to call for improved funding for accessible and culturally appropriate mental health services
2. Lobby the Labour Party, via the Labour Link, to commit to significantly increased funding for accessible mental health services and those targeted at Deaf people in particular
3. Continue to support SignHealth and to encourage union reps to signpost members in mental health need to them where appropriate

10. Disabled people and the cost of living crisis

Carried as Amended: 10.1, 10.2

Conferences notes the cost of living crisis which will disproportionately impact on disabled people.

Even before the pandemic, disability related expenses or the 'disability price tag' was on average £583 extra per month compare to non-disabled people, according to the 2019 Scope Disability Price Tag report. One in five faced extra costs of more than a £1000. Over a half of disabled adults worried about how they would afford to pay their bills.

2022 National Disabled Members' Conference Decisions

More than a decade of Conservative cuts to Local Government funding have also led to increased social care charges for disabled people.

This alongside the current cost of living crisis, with a National Insurance rise, food and petrol prices trebled, frozen tax allowances and fuel bill average rises of £686 per annum, means that most people will suffer, but disabled people even more so.

Disabled people are twice as likely to be unemployed and our income has fallen in real terms with benefits payments, including in work benefits many low paid disabled workers rely on to make ends meet, failing to keep up with rocketing inflation, meaning disabled people can afford less than ever.

Disabled people are also about to also lose their warm homes discount, added to the fact that many rely on energy not just for heating but for powering specialist life saving equipment such as oxygen machines, or equipment vital to achieving independence such as electric wheelchairs. These are unavoidable costs that can't be cut back so disabled people's bills will inevitably increase, along with their social isolation. This will not just mean a choice of heating and eating but for some breathing.

Some disabled people have impairments that are impacted by cold and need to spend more on heating their homes to avoid pain – they are therefore doubly susceptible to increases in energy prices. Additionally, there has been a massive increase in disabled workers working from home or hybrid working since the pandemic. Many of these workers will have reasonable adjustments at home, such as assistive technology or additional devices which require frequent charging and add a “cost of disability” to their already increasing utility bills.

A report from Leonard Cheshire released in April 2022 found that:

- a) 55% of disabled people feel anxious, depressed or hopeless due to the financial difficulties they are experiencing
- b) Around a quarter had missed meals (25%) or not heated their homes (28%), while around a third (30%) had to ask for financial help from friends or family.
- c) A third of those surveyed said they have £50 or less to live on a week.

Conference further notes this research found that over half million disabled people (7%) are already living off just £10 a week after bills. It is just not acceptable for the sixth richest economy in the world to subject people to such poverty living.

Disabled Women will face a double whammy, with just over half in paid employment and for those with certain impairments the disability pay gap is as large as 18.9%. Disabled women are more likely to be low paid and in precarious employment, making them especially vulnerable to price rises. Changes to the benefits system under successive Tory-led government have also seen an assault on financial independence for women, with payments less likely to be paid into a female partner's account. Women are also more likely to be unpaid carers, with less of an ability to work longer hours to get through the current crisis.

2022 National Disabled Members' Conference Decisions

Black disabled workers also face additional difficulties. These workers are more likely to be on low income and zero hours contracts and may face additional costs in accessing culturally appropriate consumables. For migrant workers there is the additional cost of navigating the government's 'hostile environment'.

Conference welcomes the £150 cost of living allowance for disabled people but one-off payments are just a drop in the ocean. Few people receive the maximum payment for Personal Independence Payments (PIP) or Disability Living Allowance (DLA). Simply put one size does not fit all. With inflation now running at 9%, this will wipe out any benefit increases and will ultimately cost lives.

Conference therefore calls on the national disabled members committee to:

1. Raise awareness of the impact of the cost of living crisis on disabled people including disabled women across the union and ensure that these issues are highlighted as part of UNISON's national campaigning on the issue
2. Seek ways of feeding into the Department for Business Energy and Industrial Strategy and the National Disability Strategy committee that has formed a new task force to better understand the additional expenses and extra costs faced by disabled people
3. Lobby the Labour Party, via the Labour Link, to commit to the reform of PIP to accurately capture the extra cost of being disabled and to help disabled people to live independently
4. Campaign to end the Disability Pay Gap and for mandatory publication of the pay gap
5. Promote the Disability Employment Charter as a way of improving disabled workers' income through better access to reasonable adjustments, Access to Work support and supporting disabled people into good quality employment.

11. Disability Pay Gap

Carried

Conference is concerned about the widening disability pay gap and the impact on our Disabled Members. The latest data from the Office for National Statistics (ONS) found that on average disabled people are paid almost 14% less than non-disabled people.

Further analysis of the data shows that the type of disability also impacts on the pay gap. The gap for people who say their day-to-day activities are limited a lot is 20% while people with autism are paid, on average, a massive 33.5% less than non-disabled people.

The disability pay gap is consistently wider for disabled men than disabled women. For example men with epilepsy experience a pay gap of almost 40% (around 20% for women with epilepsy). This could, to some extent, be due to non-disabled men earning more than non-disabled women but it is important to recognise the different gender issues when tackling the disability pay gap.

2022 National Disabled Members' Conference Decisions

Conference disabled people, including our Disabled Members, earn on average £2 an hour less than their non-disabled colleagues. Disabled employees work the equivalent of two months, that's over a day a week every single week, for free.

Almost 10 years ago the Equality and Human Rights Commission (EHRC) reported that at the current rate of progress the disability pay gap in the UK would never end. Since then the gap has continued to widen.

Generic initiatives aimed at increasing income and reducing pay gaps, such as the national minimum wage, have had no impact on the disability pay gap. The latest data available (2017) shows only 3% of employers monitor the disability pay gap. Without evidence tackling the disability pay gap is almost impossible.

Conference instructs National Disabled Members Committee to:

1. Work with signatories to the Disability Employment Charter and other trade unions to launch a campaign to require all employers with over 250 employees to publish annually:
 - i) The number of disabled people they employ as a proportion of their workforces
 - ii) The percentage of disabled people they employ at each level of the organisation
 - iii) The disability pay gap in the organisation
2. Carry out a survey of members or include a question in the equality survey to identify how the disability pay gap impacts on our Disabled Members
3. Promote Disability Pay Gap Day every year to raise awareness of the disability pay gap
4. Work with Labour Link to lobby the Labour Party to include Disability Pay Gap monitoring in their next manifesto.

12. Men and mental health

Carried as Amended: 12.1

Conference suicide is the biggest cause of death for men under 50 in the UK. In 2020, 75% of those who took their own lives were male. 4,880 men and boys died by suicide, that equates to 12 deaths every day of the year.

While people of all genders can experience mental health problems stigma and gender stereotypes mean men's mental health issues are often go unnoticed.

Societal norms can make it harder for men and boys to admit when they're struggling to cope. They see mental health issues as a sign of weakness, they don't talk about their problems with their family or friends, and they don't seek professional help.

2022 National Disabled Members' Conference Decisions

According to the Mental Health Foundation men who don't talk about their emotions are less likely to recognise symptoms of mental health issues in themselves. Men will throw themselves into work, turn alcohol or drugs, and even go missing rather than ask for help with their mental health.

Surprisingly the pandemic didn't have as adverse an impact on mental health as was expected and suicide and self-harm rates amongst men falling slightly. Research suggests this may be because resilience is a common human response during times of adversity. Unfortunately rates have already returned to pre-pandemic levels.

For too long male mental health has been ignored and not talked about. Symptoms such as irritability, loss of control, risk-taking and sudden bouts of anger are written off as a mid-life crisis when they're actually a cry for help.

Our mental health can impact on our ability to function and can be classed as a disability, but we know that many of our members, particularly our male members, still struggle to get the help and support they need.

We recognise that for shop stewards and reps asking a member about their mental wellbeing can be hard. And if the question is asked, more often than not, our male members will say they're fine or brush the question aside rather than ask for help.

Conference, we can't force men to get help but we can let them know that support is available and that talking about mental health is a sign of strength not weakness.

Conference instructs National Disabled Members Committee to work with the NEC and Service Group Executives to:

1. Develop and deliver a campaign to raise awareness of male mental health issues
2. Use International Men's Day on 19 November to promote positive action related to men's mental wellbeing
3. Provide details of organisations that can help men struggling with mental health issue on the UNISON website
4. Consider whether the safe place referred to in motion 121 which was passed at National Delegate Conference could be extended to include a separate safe space where men can discuss and share their experiences of mental health.

13. Transport: Government fails again

Carried as Amended: 13.1, 13.2

Conference, using public transport is a major issue for Disabled Members. There are countless barriers to accessing trains, buses, taxis and any other kind of public transport you care to mention.

Last year the government set out their plans for making transport more accessible in their National Disability Strategy. They claimed they would 'improve the accessibility and experience of everyday journeys' but, in reality, it's no better than the rest of the strategy that the courts ruled unlawful.

2022 National Disabled Members' Conference Decisions

They said they would transform the accessibility of the railway network; improve the accessibility of buses, bus stations, bus stops, taxis and private hire vehicles; and make lifeline ports more accessible for disabled passengers. What they said and what they did turned out to be very different.

In January, the government gave the transport industry a fourth legal exemption which means that inaccessible vehicles can be used to replace rail services for another nine months. In July they said they were extending the exemption again and allowing inaccessible coaches to be used for school transport for disabled children.

In March, Department for Transport (DfT) research found that the current 'wheelchair standard' used in the transport sector is only large enough to cover around half of mobility aids used by disabled people. Instead of introducing new standards the government said "there are trade-offs between making transport accessible and the practicalities for transport operators."

In June, Transport Secretary Grant Shapps, told MPs that the work to install tactile paving in train stations would be finished shortly. This would be a major safety improvement for blind and visually impaired people if what was said was accurate. It turns out that 40% of stations don't have the tactile strips. The government refused to bring forward the 2029 completion date despite an inquest finding the lack of tactile markings had played a part in a disabled man's death.

The failure to make public transport accessible has left many Disabled Members with no choice but to travel by car but that option isn't always easy either.

Electric vehicles might be good for the environment but unfortunately many don't meet the needs of disabled people and with the ban on petrol and diesel cars coming into effect in 2030 life is going to become increasingly difficult for disabled drivers.

The government have also failed to standardise electric vehicle (EV) charging points or make them accessible for disabled people. Plans to categorise EV charging points as 'fully accessible', 'partially accessible' or 'not accessible' aren't particularly helpful if there is no requirement to make any EV charging points accessible.

And with more and more councils either imposing restrictions on the use of Blue Badges or charging disabled people to park even if they have a Blue Badge it is becoming increasingly difficult for Disabled Members to drive anywhere including, in some cases, to work.

Conference it is a disgrace that the barriers that prevent disabled people travelling are just as bad, if not worse, than they were when the Disability Discrimination Act that was supposed to change our lives became law over 25 years ago.

Conference calls on National Disabled Members Committee to work with the NEC and any other body it feels appropriate to:

1. Raise awareness of the difficulties disabled people face when travelling on public transport

2022 National Disabled Members' Conference Decisions

2. Write to the Secretary of State for Transport and Shadow Secretary of State for Transport to call for the deadline for tactile strips to be installed in all train stations to be brought forward to 2024
3. Campaign for the end of extensions that allow public transport operators to continue using inaccessible vehicles
4. Lobby for all EV charging points to be accessible EV charging points
5. Campaign for all publicly owned car parks, including at hospitals, to be free of charge for Blue Badge holders

14. Say NO to a Bill of Rights that REDUCES disabled and LGBT+ rights Carried as Amended: 14.1

Conference notes that the Conservative government has declared their intention to replace the Human Rights Act 1998 with a new Bill of Rights which they introduced to parliament on 22nd June 2022.

The Bill of Rights would repeal the Human Rights Act (HRA), which directly incorporated into domestic British law rights set out in the European Convention on Human Rights (ECHR).

The convention rights incorporated into UK law through the HRA were ratified by 46 member states (including the UK) of the Council of Europe, the leading European human rights organisation. This set of rights was developed during the second world war to ensure governments could never again abuse individuals' rights.

Disabled people and Black and LGBT+ people rely on the Human Rights Act and the Convention Articles to protect hard won rights. Many disabled people have only been able to enforce their rights to independent living, to accessible public services and to a private life by taking legal action using the Human Rights Act. If the Act is repealed this avenue will no longer be open to us. The Human Rights Act is a crucial safeguard against the hostile environment this Tory government has created for Black people.

Article 14 states: "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such a sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The courts have interpreted "other status" to prohibit discrimination on the grounds of disability, sexual orientation, transgender and HIV status as part of their remit to treat the Convention as a "living document". Clause 3 (3) of the Bill of Rights gives the courts the right to re-interpret Convention rights more restrictively, by reference to the preparatory work that preceded the agreement of the Convention in the atmosphere of the later 1940s. (Clause 3 (2)).

Many critics have pointed out that the new legislation will be the first bill of rights that will actually reduce people's rights. Conference believes that it is a right wing

2022 National Disabled Members' Conference Decisions

ideological attack on human rights that will disproportionately impact the most marginalised in society, including disabled and LGBT+ people.

The Ministry of Justice, in the consultation “Human Rights Act Reform” (December 2021) in Appendix 1 argued that domestic legislation, in the form of the Equality Act 2010, covers the provisions of Article 14. However, the Equality Act was underpinned by European Union law in the form of the Equal Treatment Directive. Brexit will now allow Parliament to amend primary legislation such as the Equality Act without reference to EU law, and the Bill of Rights will prevent the courts from using Convention rights to override parliamentary will. Hard won disability and LGBT+ rights will now be dependent on the whim of Parliament.

The Conservative government uses disingenuous arguments and weasel words to try to claim the new Bill of Rights will restore the primacy of the UK parliament when in fact it will give the government more power to act with impunity, without protest, and without oversight.

The proposed Bill marks a dangerous reduction in rights as follows:

- a) It will allow the UK courts to ignore long established case law on equalities issues from the European Court of Human Rights, putting disability and LGBT+ equality back decades.
- b) It will stop the European Court of Human Rights granting injunctions, such as the one against removal flights to Rwanda granted in Spring 2022, even though Rwanda is not a safe place to be LGBT+.
- c) It will allow the Government to increase the use of prison Separation Centres and stop any legal challenge, expanding the state’s powers against those who are least able to speak up for themselves.

Conference therefore calls on the National Disabled Members Committee to:

1. Raise awareness of the threat the Bill of Rights poses to the HRA and to LGBT+ and disabled people’s rights and work with the Labour Party, via the Labour link, to seek to raise these issues in the UK parliament
2. Campaign with appropriate bodies calling for the withdrawal of the bill.

15. Long Covid and access to PIP for Black disabled workers

Carried

Conference notes the news article published in the Guardian newspaper on the 13th of June 2022 which stated that according to the Office for National Statistics, as of 1st of May an estimated 2 million people in the UK reported having Long Covid, as the condition is known.

Conferences notes that Unison Black disabled members have been on the front line in the fight against Covid and have been instrumental in ensuring that vital public services could continue during the pandemic. This has meant that they have been more exposed than most to the physical and mental impact of Covid. The figures for

2022 National Disabled Members' Conference Decisions

people with long Covid make it clear that Long Covid will continue to be a massive threat to disabled Black workers.

There is also an issue for people with Long Covid who are being turned down for Personal Independence Payments that should allow them to live independently.

Conference further believes that those suffering from Long Covid should not be subject to normal sickness absence process and triggers but should be supported through disability leave and reasonable adjustments. Flexible working should also be offered as well as workplace adaptation in the workplace or at home if they are doing hybrid ways of working.

Conference notes with disappointment that on 9th May 2022 the Equality Human Rights Commission tweeted that workers with Long Covid were unlikely to be disabled. This is a clear misrepresentation of how Long Covid should be considered under the Equality Act 2010. Our General Secretary has written to the EHRC raising concerns that they are misrepresenting the Equality Act.

The Equality Act 2010 in the main does not specify if an impairment is a disability or not. A person is disabled under the Act if they have a physical or mental impairment that has lasted or likely to last for a year or more and which has an adverse impact on their normal day to day activities.

Conference believes many of our Black disabled members with Long Covid are therefore disabled people and should be entitled to both reasonable adjustments and PIP.

Conference notes that PIP is not a means tested benefit. Although the Department of Work and pensions does not collect ethnicity data for PIP claimants, based on anecdotal evidence we have long believed that a disproportionate number of claimants refused PIP are Black disabled people. Critics have said the test is inherently flawed and capricious, and especially unreliable when assessing fluctuating conditions such as mental health illness.

Conference notes that in written evidence to a recent parliamentary inquiry on the quality of PIP assessments the Long Covid Support charity labelled the PIP process "unfit for purpose" and called for it to be overhauled to reflect the breadth and complexity of the condition's symptoms. This has caused a significant slowdown in the physical and mental wellbeing recovery of people in the UK living with Long Covid. It has left thousands of frontline Black disabled workers with a debilitating condition after being exposed to the virus while protecting this country.

Conference therefore calls on the National disabled members committee to:

1. Support Unison's work through the TUC on the industrial Injuries Advisory Council (IIAC) to recognise Long Covid as an occupational disease including calling for government funded research into work related exposures, risk and disability
2. Campaign through Labour Link to promote the need for long Covid to be recognised as an occupational disease

2022 National Disabled Members' Conference Decisions

3. Re-endorse the campaign agreed at 2021 disabled members conference “for the government and employers to recognise that people with Long Covid can be defined as disabled under the Equality Act” and that they should be granted access to PIP
4. Ask regions and branches to raise these issues with employers as a priority in ongoing negotiations, so as to seek to get reasonable adjustments for those with Long Covid agreed and included in relevant policies and procedures
5. Liaise further with the EHRC to seek to ensure their advice on Long Covid is in line with the Equality Act 2010.

16. Towards an inclusive Women’s Health Strategy

Carried as Amended: 16.1

Conference notes the December 2021 government policy paper ‘Our Vision for the Women’s Health Strategy for England’, published after 100,000 women shared their personal experiences around the way the health and care system listens to women. The document looked at the approach to women’s health by putting women’s voices at the heart of this work.

The policy paper was based on information and the voices of women, in addition to building on two previous reports. A 2020 report, the Independent Medicines and Medical Devices Safety Review, played a vital part in the recommendations in the report. We have all heard about the failure of testing of the vaginal mesh which has led to women being left with impairments for the remainder of their lives. A further 2020 independent report into the issues raised by Ian Paterson, a former surgeon, was also crucial. This report found ‘it is often women whom the healthcare system fails to keep safe, and whom systems fail to listen to’.

Conference believes that there is not a woman who won’t recognise the need for a Women’s Health Strategy, after decades of gender health inequalities.

The ‘Vision’ document contains evidence around health in the workplace, with the report highlighting that health conditions and impairments impact on women’s at work, leading to increased stress levels and mental health impacts. It calls on employers to look to flexible working arrangements. This should not be confused with any reasonable adjustments in place for disabled women.

Conference acknowledges the long struggle disabled women have within employment and the impact of the disabling elements that come with periods, menopause, endometriosis to name a few conditions that for women can be extremely painful and cause extra time away from work. This is in addition to dealing with the impact on other impairments and ever increasing comments like ‘It’s Just A Women’s Thing’.

While on average women in the UK live longer than men, women spend a greater proportion of their lives in ill health and disability. This is on top of growing geographical differences and disparities between different groups of women in how they access services.

2022 National Disabled Members' Conference Decisions

Doctors' routine dismissal of women's debilitating health problems as "benign" has contributed to gynaecology waiting lists soaring by 60% to more than half a million patients. Dr Edward Morris of the Royal College of Obstetricians and Gynaecologists said institutionalised gender bias meant the term "benign" was used more widely in gynaecology, resulting in conditions being normalised and deprioritised within the NHS.

Disabled women are also more likely to have unmet health care needs than non-disabled women or men.

Conference notes that Black women face further health inequalities. Black British women are five times more likely to die in childbirth than white women. A recent review by the NHS Race and Health Observatory found that Black people were less likely to receive good mental health care in particular, and in terms of maternal healthcare it found evidence of negative interactions, stereotyping, disrespect, discrimination and cultural insensitivity, leading to some Black women feeling 'othered', unwelcome, and poorly cared-for.

Conference welcomes the work towards producing a women's health strategy in light of the need to improve the health of all women and girls and to build an approach to women's health that is inclusive of LGBT+ and Black communities. Changing what is an institutionalised culture will not be easy but there are no 'quick fixes' we can take that would risk the health of women.

For our part as a union we need to ensure that we negotiate robust guidance and inclusive sickness policies. Conference notes UNISON has produced a guide to negotiating disability leave which includes a model policy and we also have guides to negotiating good sickness absence policies and procedures.

Ensuring disabled women members in workplaces are supported is even more important in the light of NHS waiting lists that have increased dramatically due to Covid and mean disabled women are not getting the help they need and are having to take time off sick as a result.

Conference calls on National Disabled Members Committee to:

1. Work with the health service group to seek to ensure disabled women's voices are included in all phases of the development and implementation of the Women's Health Strategy including lobbying for culturally appropriate services
2. Work through the Labour Link to seek to ensure the Labour Party holds the government to account on addressing women's health inequalities
3. Raise awareness of these issues across the union and consider backing appropriate campaigns for action
4. Continue to produce and circulate guidance on negotiating sickness absence policies and disability leave

2022 National Disabled Members' Conference Decisions

17. BSL Act – Next steps in protecting and preserving our language

Carried

Conference notes that the British Sign Language (BSL) Bill, a Private Member's Bill introduced by Labour's Rosie Cooper MP in 2021, was passed by both the House of Commons and the Lords earlier this year before passing into law following Royal Assent.

The BSL Act will recognise BSL as a language of England, Wales and Scotland in its own right. It is also supported by a duty on the Secretary of State for the Department for Work and Pensions (DWP) to regularly report on what each relevant government department has done to promote or facilitate the use of British Sign Language in its communications with the public.

The Act further places a requirement on the Secretary of State to issue guidance to government departments and other public bodies on the promotion and facilitation of BSL. The guidance will be developed together with Deaf BSL users.

However, conference notes that there is still a long way to go to ensure BSL is preserved for future generations as a rich and meaningful first language for many Deaf people. We also need to be sure that the BSL Act is more than just a piece of paper and that it will have a real impact on ensuring Deaf people are fully included in society. For example, never again should a UK prime minister speak to the nation in a time of crisis without a live BSL interpreter as happened time and again during the Covid pandemic.

Conference believes that the BSL Act must come with a clear action plan on the steps government and public bodies will take to ensure Deaf people are able to participate fully in society and that our language is protected and preserved.

Conference therefore calls on the national disabled members committee to:

1. Join appropriate campaigns to hold the DWP to account for its new responsibilities under the BSL Act
2. Raise awareness of the new Act with UNISON members and develop guidance on how it might be used in practice to achieve equality for our Deaf members in accessing government and public services
3. Circulate UNISON's Stewards' Guide to representing Deaf members to regions and branches

19. Breaking down barriers to employment

Carried as Amended: 19.1

Conference is concerned that the findings of a Parliamentary Work and Pension's Committee which completed in July 2021 are being disregarded by the Tory government.

The committee were clear that the Department for Work and Pensions (DWP) national programme for supporting disabled people is not working and that local level

2022 National Disabled Members' Conference Decisions

support is needed to break down the unacceptable barriers that disabled people face in the labour market.

The inquiry found Access to Work is bogged down by a bureaucratic, cumbersome and time-consuming application process, Disability Confident needs re-evaluation if it is to be more than just a tick-box exercise and that employers who fail to make reasonable adjustments should be publicly named and shamed.

Other findings included a lack of support for disabled people during the pandemic, Work Capability Assessments that are not fit for purpose and that any narrowing of the disability employment gap is a result of changes in the labour market rather than progress in breaking down barriers.

Official statistics from the DWP note the disability employment rate was 52.7% in Q2 2021, compared to 81.0% for non-disabled people. It also noted that disabled workers move out of work at nearly twice the rate (8.8%) of non-disabled workers (4.9%). That workless disabled people move into work at nearly one-third of the rate (11.0%) of workless non-disabled people (26.9%). That the disability employment gap is wider for: disabled men; older (aged 50 to 64) disabled people; disabled people with no qualifications; disabled people of White ethnicity; disabled people living in Northern Ireland, Scotland, Wales, North West, and North East.

UNISON is concerned that Black disabled workers face particular barriers in accessing employment, including qualifications not being accepted.

Giving evidence to the committee, Conservative peer Lord Shinkwin said he was “mortified by the way that the DWP treated disabled people with such palpable disrespect” before warning that there is “a culture of doing things for disabled people rather than with them.”

None of these findings are a surprise to disabled members and neither was the government’s response, published in November 2021, which rejected all of the inquiry’s conclusions and recommendations.

Instead of making changes they made statements about how they’re trying to get more disabled people into work and assessing the programme before making any decisions.

Chair of the Work and Pensions Committee, Labour’s Stephen Timms MP, hit the nail on the head in his reply to the government when he said: “The Government’s unambitious response to our report fails to instil any confidence that it is serious about breaking down these barriers any time soon.”

Conference believes that the time for assessing effectiveness is long gone. We have known for over a decade that the support to help people secure and retain work is not fit for purpose.

We don’t need more assessments, inquiries and reports to break down the barriers - we need action. Action that not only gives disabled people the support they need but that gives them the tools they need to enforce their rights in the workplace.

2022 National Disabled Members' Conference Decisions

Conference calls on National Disabled Members Committee to work with the NEC and Labour Link to:

1. Lobby for the recommendations of the Work and Pensions Committee report to be implemented including:

- a) Reforming Access to Work by simplifying the application process, removing the support cap, re-instating local assessment hubs, introducing 'in principle' awards for jobseekers and allowing awards to be transferred between employers
- b) Requiring employers with more than 250 employees to publish data on the proportion of employees who are disabled at each level of their organisation
- c) Funding local authorities to set up their own versions of the Work and Health Programme
- d) Publishing details of employers who fail to make reasonable adjustments for disabled employees

2. Campaign for the Equality and Human Rights Commission to reinstate the Disability Commissioner position and the Disability Advisory Committee

22. SELF-ORGANISATION: NOTHING ABOUT US, WITHOUT US, IS FOR US

Carried

Conference applauds UNISON's National Delegate Conference [NDC], which recently unequivocally re-asserted the union's commitment to Fair Representation.

Rule D5.2 of the UNISON Rulebook observes that self-organisation assists the union:

- a) Promote the union's equalities and bargaining agenda
- b) Defend jobs, terms and conditions and services
- c) Build its density and have a strong and dynamic presence in the workplace.

Conference re-affirms we are a union that prides itself on pioneering an equalities agenda, the principles of proportionality and fair representation, and creating a self-organised structure.

However, developing arrangements in some areas may undermine the union's self-organised approach to Equalities. This includes for example:

The Branch Support and Organising Fund Guidance that fails to give disabled members a voice in regional funding decision-making processes, which undermines the principle of fair representation.

The disparity across regions in relation to funding allocation and the initial funding proposal that prevented disabled members Self-Organised Groups access funding autonomously.

2022 National Disabled Members' Conference Decisions

Proposals in some regions to create Equality Liaison Groups in such a manner that may undermine the present self-organised structure, dilute the distinctiveness of self-organised groups, and pull self-organisation under a generic equalities umbrella.

Conference is aware that combined these reflect the undermining of UNISON's approach to self-organisation, whether intentional or not.

Conference observes that the union's present approach to self-organisation has served us well, aligning to an equalities agenda but led by self-identity that recognises the distinctiveness of each strand in terms of the issues, concerns and interests affecting that membership while supportive of the principle of intersectionality in common areas of interest or concern. Conference views any step to change this as regressive.

Conference instructs the National Disabled Members Committee to:

1. Re-affirm its support to self-organisation through the current existing constituted structures.
2. Collate feedback from each regional self-organised disabled members' committee on current practice within their respective areas in relation to their funding, organising, and governance structure and to produce a report prior to UNISON's next NDC in June 2023, for circulation to each regional self-organised disabled members' committee.
3. Discuss the issue with UNISON's other self-organised national committees and produce a summary report prior to UNISON's next NDC in June 2023, for circulation to the NDMC in order that it may consider the findings and that its regional representatives may report back to their regions.

23. Trans Ally Training

Carried as Amended: 23.1

Conference welcomes progress made by UNISON over many years in campaigning and negotiating for equality for lesbian, gay, bisexual and transgender plus (LGBT+) people both in work and in society.

Despite these advances, many transgender people still experience serious abuse and discrimination on a daily basis, including in their workplaces.

A disproportionate number of trans people identify as disabled, often due to mental health problems caused, or exacerbated by discrimination.

Trans people who are disabled face a double disadvantage where they can be refused reasonable adjustments and be turned down for jobs on the basis of being trans and disabled. The pay gap is also worse for trans women who are disabled. Black trans people face particular disadvantage, especially when seeking a job.

It is important that we all call out anti trans discrimination in the workplace and in every day life, just as we would expect non-disabled people to support us in our fight against disability discrimination.

2022 National Disabled Members' Conference Decisions

We therefore welcome the new Trans Ally training developed by UNISON's National LGBT+ Committee which is being rolled out nationally and regionally. As disabled people we understand how it feels to be overlooked and discriminated against.

It is of course important that all UNISON training is accessible and this training should be fully accessible by design, with reasonable adjustments provided where required. The trans ally training has so far been delivered virtually but adjustments should be available across all UNISON training, whether online, hybrid, or in person.

Conference also welcomes the new facility which allows delegates to UNISON conferences to have their preferred pronouns added to their delegate credentials badge. This is an inclusive step that should be encouraged to allow people to be themselves, knowing that other people will respect their identity.

Conference believes that trans rights are human rights and we must all be allies of our trans disabled members, whether in our union or in the workplace. We therefore call on the National Disabled Members Committee to work with the National LGBT+ Committee to:

1. Publicise the new trans ally training to regions, urging them to request that it is run in their region;
2. Seek to run a trans ally training session for all members of the National Disabled Members Committee;
3. Encourage disabled members to use the pronoun facility for conference name badges and circulate UNISON's 'Why pronouns Matter' fact sheet to regions;
4. Continue our work to ensure that our self organised group is inclusive of both trans and non-binary disabled people's identities, in our language, policies and practices.

Emergency Motions

EM1. Tory chaos – subject to change

Carried

Conference they say a week in politics is a long time but over the last week, not mention month, the government has been in total chaos and made the UK a laughing stock.

But for disabled people and our Disabled Members none of this is funny. It seemed that every time the now former Prime Minister or one of her changing carousel of Ministers spoke it was more bad news for disabled people.

In his so called mini budget in September, the then Chancellor Kwasi Kwarteng didn't just announce tax cuts for the rich he raised the number of hours people need to work before their Universal Credit is cut from 9 to 15 a week.

2022 National Disabled Members' Conference Decisions

We know disabled people are more likely to work less hours, in low paid jobs, than non-disabled people and often rely on the benefit top-up just to survive. This cut will be devastating.

Fast forward a couple of weeks and they've reversed many of the tax cuts but the benefit cut that targets disabled people including our Disabled Members stayed in place.

On 14 October 2022 Kwarteng was replaced by Jeremy Hunt. Hailed by Conservatives as a saviour who would steady the ship but in reality another Tory who doesn't care about disabled people or other's struggling financially.

One of his first actions was to change the one thing his predecessor had done that might have helped Disabled Members. The two year cap on energy prices introduced by Kwarteng will now end in April 2023.

Disabled people use more energy than non-disabled people for a range of reason. Putting on an extra jumper isn't going to help when you your bedding needs washing two, three or more times a week for disability related reasons. Turning devices off instead of to standby isn't going to help you charge your wheelchair. And switching the lights off isn't going to help if you need a dehumidifier on overnight to help you breathe.

Days later the Home Secretary resigned, no great loss, but it ramped up the chaos in the government. The Chief Whip resigned following disturbing scenes in the voting lobby before being persuaded to stay on. Reports suggest that Tory MPs went to bed in tears that night, something Disabled Members have been doing throughout 12 years of Tory rule.

On 20 October Truss finally realised no one wanted her. But instead of doing the decent thing and calling a General Election she put herself and her Party first and resigned.

At the time of writing the front runners to be the new PM are Sunak, Mordaunt and the disgraced and disgraceful Boris Johnson. The Tories are actually seriously considering bringing back a man who broke the laws he implemented, lied to Parliament and the Queen and who members of his own Cabinet said was 'unfit to hold office.'

And to top it all off they're still planning a financial statement on 31 October which will no doubt be just as bad for our Disabled Members as everything else the Tories have done in over a decade of government. This simply can't continue.

Conference calls on the National Disabled Members Committee to work with the NEC and Labour Link to:

1. Support the calls for an immediate General Election
2. Lobby the Labour Party to reverse every cut the Tories have made to the support disabled people rely on when they get into power