

# COMBATING DISABILITY DISCRIMINATION

AND ACHIEVING EQUALITY FOR DISABLED PEOPLE AT WORK

A negotiators' guide



Paul A

From:  
Sent:  
To:  
Sub:

Sp:

Original Message  
From: Paul Appleyard  
Sent: 20 February  
Subject: Rickell

I need a steer on

Cheers

Paul Appleyard, MCIPD  
Head of Diversity Works  
Scope  
01780 701 809

-----Original Message-----  
From: Barry Hayward  
Sent: 17 February 2006 15:39  
To: Paul Appleyard  
Cc: Marie Keasley, Gary Birkenhead, Joe Bennett, Andy Rickell  
Subject: RE: Securing our future

Dear Paul,

I'm advised by Gary Birkenhead that other managers are sharing budget information currently stands, and that it is almost impossible to produce counter proposals with

I hope you will reconsider  
Barry

-----Original Message-----  
From: Paul Appleyard  
Sent: 16 February 2006 15:07  
To: Barry Hayward  
Cc: Marie Keasley, Gary Birkenhead, Phoebe White, Robin Davies, Chris Sherwood, Elizabeth Nightingale, Sid Jewwa, Emma Pask  
Subject: RE: Securing our future

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## Introduction

Amicus is committed to supporting our activists and workplace reps with the resources, information and training to update equal opportunities policies in the workplace. With new legislation on equality, there is an opportunity for Amicus to develop proactive negotiations on equality and this guide is designed to support these negotiations. Amicus members can be confident that they will be treated with dignity and respect at work, and that where Amicus is organised, we can deliver better terms and conditions for all members.



### **Derek Simpson** **Amicus General Secretary**

Trade unions have been campaigning for equality for disabled people for many years. The Disability Discrimination Act 1995 (DDA) and amendments, the setting up of the Disability Rights Commission in 2000 and the introduction of the public sector duty to promote disability equality are important steps forward for the rights of disabled people.



The term “disabled person” covers people with a wide range of disabilities and health conditions, such as hearing and visual impairments, learning impairments, arthritis, multiple sclerosis, heart disease and mental health issues. Disability is not always visible as with impairments such as dyslexia and HIV infection.

Many disabled people face persistent discrimination at work and 50% are unemployed. Many of those that are unemployed wish to work, but are unable to do so because of the barriers that they face in gaining employment. Laws can only be effective if attitudes and practices are positive towards disabled people. Research has found that employers’ attitudes and lack of knowledge can hold back the employment of disabled people. Additionally, many disabled people are confined to jobs that they are over-qualified for, with little opportunity to progress.<sup>1</sup>

Amicus representatives and shop stewards have an important role in tackling disability discrimination in the workplace, through negotiating policies and practices with employers.

Amicus is committed to supporting disabled workers in becoming equality reps, active in negotiating change in the workplace as well as training all workplace reps on equality issues. The Amicus and Scope Disability Champions project is a major innovation in providing training and support to workplace reps and members on improving disability access at work. I would urge you to make use of this guide in your negotiations with employers on disability issues.

### **Siobhan Endean** **Head of Equalities**

<sup>1</sup> *“A Valued Part of the Workplace, Employment and Disabled People, Sequel Development Project, 2005*

## ■ The extent of discrimination

In general disabled people are disadvantaged in the labour market. There are 6.8 million disabled people of working age in Britain, representing 1 in 5 of the working population. The following statistics make for stark reading:

- Only 50% of disabled people of working age are in employment compared to 81% of non-disabled people.
- Disabled people with mental health illness have the lowest employment rates of all impairment categories, at only 20%, followed by people with learning disabilities at 23%.<sup>2</sup>
- 1 million disabled people who do not have a job want to work.
- The average gross hourly pay of disabled workers is 10% less than that of non-disabled people.
- Disability increases with age – one third of people from age 50 to retirement age are disabled, compared with 10% of people aged 16-24.
- Many disabled people who do work find that they are confined to jobs for which they are over-qualified and have no hope of progressing.<sup>3</sup>



## ■ What are the reasons for disability inequality at work?

Disabled people face discrimination and barriers in access to the labour market and at work. The causes of inequality are varied, but major issues are:

- Employers' discriminatory attitudes and lack of knowledge on disability issues and their obligations under the DDA.
- Disabled people often have unequal access to education, training and the ability to obtain qualifications and skills.
- The benefits trap remains a barrier to disabled people gaining employment.
- Lack of accessible information and support for disabled people to gain employment.
- Disabled people can find it difficult to take up employment because of their individual lack of transport and poor public transport
- Inaccessible workplaces and inadequate equipment at work are significant barriers to employment.

<sup>2</sup> *DRC Employment and Welfare Reform Briefing, 2005*

<sup>3</sup> *"A Valued Part of the Workplace, Employment and Disabled People, Sequal Development Project, 2005*

## ■ Social model of disability

“The social model of disability” emphasises the barriers that disabled people face that prevent them from participating fully in society. It is these barriers that exclude disabled people from work, not their impairment. Barriers can be physical, as in the case of inaccessible workplaces and can be attitudinal as in making stereotypical assumptions about what a disabled person can or cannot do. Achieving equality for disabled workers under the social model requires the removal of these barriers.

In contrast, the “medical model” attributes the impairment as a problem and focuses on how the disabled person must adapt to fit in with society. It is an individual approach that looks at how the disabled person can be assisted in dealing with their impairment. This can lead to dependency on others rather than having the barriers removed to allow them to participate equally in society.

The reason we believe the “social model of disability” is important is that barriers need to be removed if disabled people are to be given equal access and opportunities in areas such as education, transport and work. If the focus is just on the individual equality will not be achieved for disabled people. We have been lobbying the Government to amend the DDA to reflect the “social model”.

At present the main focus of the DDA is on the individual’s impairments and their ability to carry out normal day-to-day activities, rather than the barriers that prevent them doing something. For example, whilst an impairment can have an adverse affect on a person’s ability to walk, the fact that the transport system and workplaces, may be inaccessible to them will have a greater impact on their overall mobility.

The DDA has gone some way towards acknowledging the obstacles faced by disabled people in work by including the requirement on employers to make “reasonable adjustments”. Additionally, the introduction of the positive duty to promote disability in the public sector requires employers to take action on the issue. However, Amicus believes the current focus on the individual’s medical condition and the inability to participate in “normal” day-to-day activities is a negative approach and contrary to other discrimination law.

Many people who have been discriminated against on the grounds of their disability are unable to take employment tribunal cases because they are not deemed to have a mental or physical impairment under the current definition. Therefore, a change in the definition of disability in the DDA is required from the medical to the social model approach.



## ■ Disability Champions

Amicus decided that it needed to take action to address disability discrimination at work which affects so many of our members, so the Disability Champions at Work project was set up in 2003 with the help of start-up funding from the European Year of Disabled People. It was to be one of the most successful projects to have been supported during this year and the project has been extended and is building on that success.

The project involves identifying and training Amicus representatives and shop stewards to deal effectively with disability issues and to become Disability Champions in their workplaces. The aim is to encourage better employment opportunities and fairer treatment for disabled employees.

All Disability Champions are trained on the implications of the Disability Discrimination Act, the Government funding available for adjustments for

disabled people at work and on how to audit their workplace to ensure that their employer is complying with the "two ticks, positive about disabled people" standard.

There are now nearly 300 Disability Champions throughout the country, of which over 100 are Amicus members. They are making a real difference to the working lives of disabled people and are spreading the word to promote the role so that we can train more Champions.

If you would like to find out if you have a Disability Champion in your workplace contact your Amicus regional officer or office. Alternatively, you can view the Disability Champions website on [www.disabilitychampions.com](http://www.disabilitychampions.com). This website allows Champions to network with one another and to share ideas, information and best practice. It gives examples of action that has been taken to bring about real solutions to disabled people's working lives.



**TIME TO GET EQUAL**

**IN THE WORKPLACE**

DISABILITY CHAMPIONS @WORK  
TIME TO GET EQUAL IN THE WORKPLACE

amicus  
the union

scope

dti

[www.disabilitychampions.com](http://www.disabilitychampions.com)

## ■ Access to work

Access to Work (AtW) is available to help overcome workplace issues resulting from disability. As well as giving advice and information to disabled people and employers, JobcentrePlus pays a grant, through AtW, towards any extra employment costs that result from a person's disability.

For people that are starting a job, the grant is up to 100% of the approved costs, providing a claim is made within six weeks of starting a new post. For those that already work for an organisation, the grant is up to 80% of the approved costs over the first £300.

AtW can help in a number of ways, e.g., it can help to pay for:

- Help with the additional costs of travel to, or in, work for people who are unable to use public transport
- Special equipment to help a disabled people function in the workplace
- A support worker.

The Disability Champions course gives detailed training on AtW.

More information on AtW is available at the Department of Work and Pensions' website -

[http://www.direct.gov.uk/DisabledPeople/Employment/WorkSchemesAndProgrammes/WorkSchemesArticles/fs/en?CONTENT\\_ID=4000347&chk=Pq8ETE](http://www.direct.gov.uk/DisabledPeople/Employment/WorkSchemesAndProgrammes/WorkSchemesArticles/fs/en?CONTENT_ID=4000347&chk=Pq8ETE) or at local Jobcentre Plus Offices.

## ■ Two Ticks positive about disabled people symbol



Does your employer have the Two Ticks positive about disabled people symbol?

The Two Ticks positive about disabled people symbol is a recognition given by Jobcentre Plus to employers that have agreed to meet five commitments regarding the recruitment, employment, retention and career development of disabled people.

The five commitments are:

- To interview all disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities;
- To ensure that there is a mechanism in place to discuss with disabled employees at least twice a year what they can do to make sure they can develop and use their abilities;
- To make every effort to ensure that employees stay in work after they become disabled;
- To take action to ensure that all employees develop the appropriate level of disability awareness needed to make the organisation's commitments work; and
- To annually review the five commitments, looking at what has been achieved, planning ways to improve on them and letting JobcentrePlus know about progress and future plans.

A thorough interactive audit of your workplace against these five criteria forms a major part of the Disability Champions training.

## ■ Occupational health

Many larger organisations have occupational health (OH) services which they rely on to make recommendations and provide medical reports for disabled people at work, if there is an issue with absence due to disability, work performance and on the making of reasonable adjustments.

As these services are provided for the employer and not the employee, it is important that any medical advice obtained by the employer is appropriate to the worker's disability.

Any independent advice and reports should be obtained externally from medical experts in the condition. Advice and assistance from your Regional Officer should be sought on this matter. Where an accident resulting in a personal injury has occurred a claim should be made to the union's lawyers through the Regional Officer.

Additionally, it is important that the disabled worker is fully consulted and involved at all stages before the employer makes a final decision on any action.

## ■ Health and safety

There may be health and safety issues relating to disability and employers have a responsibility under the Health and Safety Regulations. However they should not cite the Regulations as a reason to discriminate against, or to avoid making a reasonable adjustment for a disabled worker. Therefore, rather than applying restrictions on employing, or continuing to employ a disabled person, or to make judgements and decisions about the ability of a disabled worker to carry out certain functions of a job, an employer should first carry out an assessment of the task and the disabled person's needs, and should make reasonable adjustments.

Additionally, the employer must ensure that a request for a risk assessment is reasonable, consistent with the specific task(s) required of the job, and not based on preconceptions and stereotypical assumptions about a person's impairment. The full involvement of the disabled worker is the best way to identify solutions.

The TUC good practice guide on disability <http://www.tuc.org.uk/extras/disabilityandwork.pdf> stresses that union representatives should view the Disability Discrimination Act and Health and Safety Regulations as working together and not in opposition. In many cases, reasonable adjustments can be made that will eliminate, or minimise the risk. Examples given in the TUC guide are:

- A "buddy" system can be established

for a worker with mobility impairments where another person agrees to assist the disabled person in the case of the need to evacuate the building.

- In the case of someone with a hearing impairment, the provision of flashing lights as well as sound will resolve this problem.
- Where workers are required to deal with hazardous substances it may be necessary for the benefit of everyone to reconsider the limit level of the concentration of hazardous substances in the air.



## ■ Disability leave policy



Employers often do not understand that there should be a distinction between sickness and disability. Some disabled workers will have periods that require them to take extended time off of work and this makes them particularly vulnerable to action by their employer through their sickness absence procedures.

The best way to protect disabled workers against this sort of action is to negotiate a policy with the employer in which absence due to an impairment, or arising from sickness consequent upon an impairment, is counted separately from sickness absence altogether. This would allow the employer to consider making a reasonable adjustment that would be treated as a period of paid absence, with the aim that the worker should return to their job after a period of rehabilitation. Such a policy should be incorporated in with the employer's other policies on leave.

Disability leave is listed in the Code of Practice on Disability as a reasonable adjustment, but is not a requirement under law. However, an employer who wants to be seen as promoting good practice on disability should be open to the benefits of introducing a disability leave policy. The employer would benefit from retaining experience and skills, it would encourage loyalty and commitment from workers and avoid costly disability discrimination cases. The worker would benefit because they would be able to take a period of paid leave in the knowledge that every effort will be made for their return to work at the appropriate time.

The main elements of a Disability Leave Policy should be that:

- the total length of the leave should be negotiated with the employer, but there is a requirement that there should be an understanding that each individual case is unique and that this should be up to a maximum period negotiated in the policy. The policy should cover both short-term disability related and long-term disability related absence
- it is an agreed period during which adjustments can be made by both the worker and the employer;
- it differs from sickness absence in that the absence is not as a result of sickness, but as a consequence of a disability;
- the leave period is for therapy, treatment, rehabilitation, or the planning and implementation of adjustments to the workplace or job;
- it can be taken in a flexible manner, e.g. once a week for an appointment, blocks of time or periods of part-time working.

## ■ Negotiating in the workplace

The following should be considered in any negotiations on disability equality in the workplace:

1. The organisation should carry out an equal pay audit aimed at achieving fair pay on an objective basis to eliminate injustice. Advice on how to carry out an equal pay audit can be found in the Amicus Guide to Equal Pay [www.amicustheunion.org/PDF/equal-pay.pdf](http://www.amicustheunion.org/PDF/equal-pay.pdf).
2. Equal opportunities and harassment policies should be introduced if the organisation does not have these already. Representatives and shop stewards can refer to the Amicus guide to negotiating for equality for guidance on equal opportunities policies which is available on the Amicus Equal Rights website or Regional Office. If the organisation has already introduced these policies they should be reviewed to check if they are being implemented in practice.
3. The employer should be encouraged to introduce a disability leave policy.
4. An action plan, with targets, should be set, including confidential disability monitoring, towards achieving equality for disabled workers and the plan should be reviewed on a regular basis for effectiveness.
5. Employers should provide training for all staff on equality to include disability issues. The training should ensure that employees have an understanding of the employers' policy on disability and their obligations under the DDA. It should make clear that the discrimination and harassment of disabled workers is unacceptable and will not be tolerated. Extra training should be provided for managers and those staff who recruit, select and train employees who should be made aware of the Access to Work Scheme and the duty to make reasonable adjustments for disabled workers.
6. The employer should ensure that disabled workers are speaking for themselves and Amicus should encourage and assist in establishing disability networks and forums which allow disabled workers to speak and be consulted on disability issues within the framework of existing collective arrangements.
7. Employers should ensure that recruitment and selection procedures are reviewed to ensure that they do not discriminate against disabled workers.
8. Employers should ensure that job descriptions and criteria for applications are reviewed to check that there is no bias that prevents disabled workers applying.
9. Employers should ensure that advertisements for jobs are in a form that will encourage a diverse range of applicants. Do jobs advertisements and applications include information on an equal opportunities policy, including welcoming applications from disabled people? Are they in a format that is accessible to disabled people?
10. Employers should ensure that job advertisements are not confined to one method or one publication to ensure that a diverse range of people have the opportunity to apply.
11. Employers should consider offering pre-employment training, where appropriate, to prepare potential job applicants for interviews and selection tests.
12. An employer should review its image. Does it encourage under-represented groups to apply for jobs and promotion? Is it viewed as an organisation that is committed to equality and diversity?
13. Employers should be encouraged to apply for the Two Ticks symbol and to monitor jointly with Amicus that they are carrying out the commitments.
14. Employers should consider developing links with, local community groups, organisations and schools, in order to reach a wider pool of applicants.

Karen Cole, Amicus Equalities Research Officer, would be pleased to receive any examples of good practice at work on disability issues to build up a database and ensure that good practice is shared throughout the union. Please e-mail Karen on [karen.cole@amicustheunion.org](mailto:karen.cole@amicustheunion.org) or send to Karen at Amicus, Eden Park, 63 Macrae Road, Ham Green, Bristol BS20 0DD.

## ■ Statutory code of practice on disability in employment

The Statutory Code of Practice on Disability in Employment provides:

- Guidance to employers on how to prevent unlawful disability discrimination, and achieve equality of opportunity in the field of employment;
- Help to employers and others who have duties under the employment provisions of the DDA to understand their responsibilities and rights;
- Help to lawyers and other advisers to advise their clients;
- Employment tribunals and courts clear guidance on good equal opportunities practice in employment; and
- Guidance to anyone who is considering bringing legal proceedings under the DDA, or attempting to negotiate in the workplace, understand the legislation and is aware of good practice in the field of employment.

The Code is available at

[http://www.drc-gb.org/the\\_law/legislation\\_\\_codes\\_\\_regulation/codes\\_of\\_practice.aspx](http://www.drc-gb.org/the_law/legislation__codes__regulation/codes_of_practice.aspx) or contact your Amicus Regional Officer.

## ■ Public sector duty to promote disability equality

The DDA 2005 introduces the public sector duty to promote disability equality and will come into force from 5 December 2006.

All public bodies are subject to the general duty to promote disability equality from December 2006. This is supported by a Code of Practice that can be cited in legal proceedings.

All public authorities covered by the general duty must:

- Promote equality of opportunity between disabled persons and other persons;
- Eliminate discrimination that is unlawful under the Act;
- Eliminate harassment of disabled persons that is related to their disabilities;
- Promote positive attitudes towards disabled persons;
- Encourage participation by disabled persons in public life; and
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

The specific duties are more detailed than the general duty and requires the public body to:

- Publish a Disability Equality Scheme (including within it an action plan);
- Involve disabled people in producing the scheme and action plan;
- Demonstrate that they have taken actions in the scheme and achieved appropriate outcomes;
- Report on progress;
- Review and revise the Scheme.

The positive duty is important for Amicus because it requires public sector employers to address disability discrimination and promote disability equality, and to provide information and consult with the union.

Guidance on the duty and Code of Practice are available at the DRC's website, [http://www.drc-gb.org/employers\\_and\\_service\\_provider/disability\\_equality\\_duty.aspx](http://www.drc-gb.org/employers_and_service_provider/disability_equality_duty.aspx) or contact your Amicus Regional Office.

# ■ Disability Discrimination Act

The DDA makes it unlawful for an employer to discriminate on the grounds of disability in:

- Selection for jobs;
- Promotion or transfer;
- Employment benefits;
- Terms and conditions of employment;
- Training;
- Dismissal or any other detrimental treatment.

## ■ Who is covered by the Act?

In respect of employment, the legislation applies to all workers regardless of their length of service or their working hours with the exemption of the armed services.

It applies to all stages of the employment relationship and can apply to discrimination after employment has ended, e.g. it prohibits employers from refusing to give a reference on the grounds of disability.

## ■ Definition of a disabled person

To be covered by the DDA it is necessary to meet the definition of disability under the Act. It states that a disabled person is someone who has a physical or mental impairment which has an effect on their ability to carry out normal day-to-day activities. The effect must be:

- Substantial (more than trivial or minor);
- Adverse; and
- Long-term (lasting or likely to last more than 12 months, or for the rest of the life of the person concerned).

These day-to-day activities do not include work, or activities such as sports. The test of whether an impairment affects such activities is whether it affects one or more of a list of capacities. These are:

- Mobility;
- Manual dexterity;
- Physical coordination;
- Continence;
- Ability to lift, carry or otherwise move everyday objects;
- Speech, hearing or eyesight;
- Memory or ability to concentrate, learn

or understand; or

- Perception of the risk of physical danger.

The Code of Practice gives guidance in this area. Examples of those covered by the scope of the DDA include, mental health illness, learning disabilities, dyslexia, diabetes, registered blind or partially sighted people and epilepsy.

The Act has recently been extended to include cancer, HIV and multiple sclerosis – all from the point of diagnosis.

Additionally, the requirement that mental illness should be clinically well-recognised has been removed from the Act because it was proving difficult for workers to bring DDA claims as a result of mental illness.

Where the effects of the impairment (but not the impairment itself) are alleviated by some form of treatment, then the treatment is ignored for the purposes of the Act. The only exception is for people wearing glasses or contact lenses.

The DDA also protects people who may have had a DDA defined disability in the past, but no longer do, e.g. someone who suffers discrimination as a result of revealing a previous mental health condition, is protected regardless of how long ago they had the condition.

## ■ Direct discrimination

Direct Discrimination is when an employer treats a person less favourably on the grounds of disability than they would have applied to someone who is not disabled. The treatment should be compared with how the employer would have treated another person in similar circumstances. However, there does not have to be an actual person identified as a comparator as the tribunal is entitled to look at how an employer would have treated a hypothetical person in the same circumstances.

Direct discrimination covers situations where a person is treated differently by an employer because of stereotypical assumptions or prejudices about their condition or abilities. There is no defence to direct discrimination.

An example of direct discrimination given in the DRC Code of Practice is of a blind person who is not short listed for a job involving computers because the employer wrongly assumes that blind people cannot use computers.

## ■ Disability related discrimination

The DDA sets out two elements to test whether an employer has discriminated against a disabled person for disability related reasons:

- For a reason that relates to the disabled person's disability, an employer treats an employee less favourably than the employer treats, or would treat others to whom that reason does not or would not apply;
- It cannot be shown that the treatment is justified.

"Relates to" covers a wider range of circumstances than direct discrimination and can be used to challenge the consequences of disability. For example, an employer dismisses a disabled person for absence, but says that the reason is not because of the disability, but the need for employees who can be relied upon to work regularly.

However, if the employee's high absence is due to a disability, then the employer's reason for dismissal is a reason related to that disability. This will be unlawful discrimination unless the employer can make out a defence of justification. The burden to prove justification is on the employer.

The DDA states that disability-related discrimination is justified if "the reason for it is both material to the circumstances of the particular case and substantial" which is a matter for the tribunal to decide, but case law to-date suggests that it is a low threshold for employers to overcome.



## ■ Duty to carry out a reasonable adjustment

The duty to carry out a reasonable adjustment in the DDA imposes a requirement on the employer to make a reasonable adjustment where a provision, criteria or practice and/or any physical features of premises causes a substantial disadvantage for a disabled person in comparison with persons who are not disabled.

Provision, criteria or practice has a wide meaning and covers such areas as contractual terms, the recruitment process, working methods, transfers and training. Examples of a reasonable adjustment are given in the DDA and the Code of Practice such as:

- altering working hours
- physical adjustments to premises
- reallocating some duties to another worker.

- transferring a disabled person to another vacancy or another place of work
- giving or arranging training to the disabled person or others
- acquiring and modifying equipment. Information can be found at: <http://www.jobcentreplus.gov.uk/JCP/Customers/HelpForDisabledPeople/AccessToWork/>

The duty is only to do what is reasonable and this is decided by reference to the effectiveness of the adjustment, the practicability of carrying it out, its cost and the financial and other resources of the employer. Frequently assistance can be found to fund an adjustment through the Access to Work scheme.

The duty to adjust only applies where the employer either knows or reasonably ought to know of the disabled person's disability.

## ■ Harassment

A specific definition of harassment is included in the DDA and is defined as unwanted conduct which has the purpose or effect of "violating the disabled person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment". Conduct will amount to harassment if it can be reasonably considered to have at least one of these effects, taking into account all of the circumstances, in particular the perception of the disabled person who has been harassed.

## ■ Victimisation

It is discriminatory to treat a worker less favourably because they have brought or supported a complaint of disability discrimination, e.g. it may be unlawful victimisation if an employer does not promote someone because they previously complained or brought a tribunal claim of disability discrimination.



## ■ Time limits, employment tribunals and questionnaire procedure

All disability discrimination employment tribunal claims at work must be brought within **three months of the act of discrimination**. In some cases discrimination may extend over a period of time to make up a continuing act and in this case a claim must be brought within three months of the last discriminatory act. However, do not assume this to be the case and always get advice from your Regional Officer to determine when a claim should be made.

The disputes resolutions procedures introduced in October 2004 requires, that in the majority of cases, **the worker must submit a grievance to their employer**, facilitated by the workplace

representative, to which the employer is allowed to respond in 28 days, **or the complaint may be inadmissible at an employment tribunal**. Tribunal time limits are extended to allow this to happen. A trade union member is entitled to be accompanied by a union representative to a grievance meeting. A DDA questionnaire can also be submitted before an employment tribunal claim is lodged, or within 21 days of having lodged a claim.

Workplace representatives and shop stewards should contact their Amicus Regional Officer for advice in cases of disability discrimination at the earliest opportunity.

## ■ Trade unions and disability

The Trade Union Disability Alliance (TUDA), is a voluntary organisation of trade union members including Amicus which campaigns and lobbies for equality for disabled people.

TUDA launched its Trade Union Charter for Disability Equality at the 2006 TUC Disability Conference with the support of Amicus. The decision was taken that Amicus would not sign up to the Charter at present, but that we would work towards achieving all the elements of the Charter and when these have been attained we would sign the Charter. Progress towards this will be monitored by the National Executive Committee.

Supporting disabled workers to gain and retain employment is one of the biggest challenges facing the trade union movement today. Following the steps in this Charter will assist unions to represent disabled workers' interests. It will also assist unions to comply with their legal responsibilities to disabled staff and members under disability discrimination legislation.

### Useful Disability Website Links

The Amicus Equal Rights Website

<http://www.amicustheunion.org/Default.aspx?page=39>

The Amicus Disability Rights Website

<http://www.amicustheunion.org/Default.aspx?page=3246>

The Disability Champions Website

<http://www.disabilitychampions.com>

The Disability Rights Commission Using Your Rights Website

<http://www.drc-gb.org/usingyourrights/>

The Government Website for Disabled People

<http://direct.gov.uk/DisabledPeople/fs/en>

TUC Disability Website

<http://www.tuc.org.uk/equality/index.cfm?mins=17&minors=17>

TUDA Website

<http://www.tuda.org.uk>

## **Combating disability discrimination and achieving equality for disabled people at work**

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