

# Trade Unions and Decent Work for People with Disabilities

## Information Sheet

### ***Introduction***

Most people with disabilities are able to work and want to work. Most do not require any special supports or accommodations; they just need access to the same education, training and employability services available to everyone. For those with more substantial disabilities, the right support or accommodation can mean that they are as productive as their non-disabled co-workers in the workplace.

Yet, the large majority of people with disabilities are less likely to be employed as compared to their non-disabled peers because of barriers in finding and retaining jobs. These barriers include unequal access to training and education, different forms of discrimination and physical and social barriers. In applying for jobs, barriers may include unnecessary or unfair job requirements or stereotypical negative perceptions of their abilities. On the job, disabled workers may have a more difficult time receiving fair treatment. They may lack a formal employment contract or fail to receive comparable wages and benefits. They may be the first to lose their jobs in the event of lay-offs.

Because of their commitment to equity, solidarity and social justice, trade unions are in a unique position to promote equal opportunities for and equal treatment of disabled workers. However, this opportunity to represent a large and often unfairly treated segment of the workforce is frequently unrealized. This information sheet will describe how some trade unions around the world are involved in a wide range of activities to represent disabled workers and to address many of the work-related problems they face.

### ***About this information sheet***

This information sheet contains many examples of what some trade unions are doing to promote equal rights and equal opportunities for disabled workers---examples such as Workway, a worker/employer initiative in Ireland that brings partners to the table to raise awareness about the needs of disabled persons and to increase their decent work options. Or, Amicus in the United Kingdom which, through its Disability@Work programme, trains union representatives to effectively represent the needs of disabled persons on the shop floor. Yet another example on these pages is the Japanese electrical trade union, which had been working for years to promote the rights of disabled children of its members, and then found that when the children grew up more was needed. It now operates three employment centres to help adults with disabilities.

These examples are organized around functions that trade unions can fulfil in promoting rights and employment of disabled persons. These include: providing information, raising awareness, providing training to union representatives, representing disabled persons in

collective bargaining and others. Whenever possible, the information sheet provides links to Web sites containing more information.

Information was gathered through the ILO network, the Internet and as a result of a survey of the ILO's Asia and Pacific trade union members. Many of the examples come from developed and industrialized countries, reflecting the fact that unions in these countries have been more involved in the disability issue and can more readily make the information accessible through the Internet. However, rights of disabled persons is not just an issue for unions in advanced countries. Disability rights reflect basic human rights and disabled persons, regardless of where they live, deserve decent work and access to the training and services that can help them get decent work. And unions have a mission and responsibility to help all workers, including those with disabilities, regardless of the economic development of the country in which they operate.

The ILO hopes the initiatives of the workers' organizations from around the world, and especially those from less developed countries, will inspire and motivate other trade unions to take action in workplaces and communities to help ensure the rights of people with disabilities.

### ***What does the ILO say about trade unions and disability?***

Trade unions are fundamental to the work of the ILO. As one of the social partners in the ILO tripartite structure, the trade union movement is a key actor in promoting standards for decent work and equal opportunities and treatment for all workers, including those with disabilities.

Promoting the rights of people with disabilities has been on the ILO agenda since 1925, when Recommendation No. 22 concerning the Minimum Scale of Workmen's Compensation, 1925, called for the vocational rehabilitation of injured workers and for the development of institutions providing these services. Since then the ILO has developed disability-specific standards with the purpose of achieving equal opportunities and equal treatment for people with disabilities in the workplace. These standards include the following:

- [Recommendation No. 99 concerning Vocational Rehabilitation of the Disabled, 1955](#) was for many years the main international instrument providing guidance for national legislation and practice concerning vocational guidance, skills training and placement of disabled persons. It recognizes workers' organizations as important in widening employment opportunities for workers with disabilities and calls for mainstreaming of vocational training, equity of opportunity, non-discrimination in pay for equal work and the promotion of research.
- [Convention No.159 concerning Vocational Rehabilitation and Employment \(Disabled Persons\), 1983](#), calls on governments to develop, implement and periodically review a national policy on vocational rehabilitation and employment promotion in consultation with employers' and workers' organizations and representative organizations of and for disabled persons. The policy must address all types of disabled persons, women and men and those residing in rural as well as urban areas. It further promotes the use of existing services and calls for ensuring the availability of qualified staff and counsellors.

- [Recommendation No.168 concerning Vocational Rehabilitation and Employment \(Disabled Persons\), 1983](#), provides detailed guidance on the implementation of Convention No.159 to governments, employers' and workers' organizations.
- [Code of Practice for Managing Disability in the Workplace, 2001](#), is aimed at enterprises of all sizes in both the public and private sector and seeks to promote a safe, accessible and healthy workplace. The Code re-emphasizes previous ILO standards and suggests further actions to be taken by workers' organizations, including that workers' organizations should be model employers and should include workers with disabilities within their ranks.

All of these standards acknowledge workers' organizations as important actors in their implementation and in the promotion of their purpose. A more detailed summary of the standards and what they suggest about the role of workers' organizations is in Attachment 1. It should be noted that all ILO conventions and recommendations cover disabled persons but those related to rights, workplace discrimination and equality as well as training and employment services are particularly relevant.

## ***What Trade Unions are Doing---Good Practices***

### **1. Providing Information**

Trade unions can provide information about disability and employment in many different forms, ranging from a notice or a newsletter on their Web sites to major publications or ongoing campaigns. Trade unions can also hold seminars or conduct workshops to build awareness and capacity on disability and the rights of disabled workers.

**Example:** UNISON in the United Kingdom

Trade unions frequently use the Internet to provide information relating to disability. Many trade unions have their own Web sites containing information related to disability. Trade unions like the Public Service Union UNISON in the United Kingdom provides a separate [Disabled members section](#) on its Web site, while others like the British Trades Union Congress (TUC) have gathered information relating to disability in its [Equity Section](#).

**Example:** Trades Union Congress in the United Kingdom

The Trades Union Congress (TUC) provides a wide range of reports, campaign literature, guidance and educational resources for union negotiators, which are all available through its Web site. According to the TUC, all publications may be made available for dyslexic and visually impaired readers, on request, in an electronic format or in accessible formats such as Braille, audio tape and large print, at no cost.

[Examples of TUC publications the can be ordered from its Web site:](#)

- TUC Guidelines on Conference Facilities for Disabled People
- Trade Unions and Disability Law: A guide to trade union obligations under the new Disability Discrimination Act

- Trade Unions and Disability: A guide to legal duties and best practice
- Words can never hurt me? A TUC briefing on avoiding language which may be offensive to disabled people

To update workers with disabilities, union members, employers and the public on the latest information regarding disability in their workplaces, some trade unions regularly publish newsletters focusing on disability. Examples include [Disability in Focus](#) from the Communication Workers Union (CWU) in the United Kingdom and UNISON's [Access all Areas](#). Examples of information they contain include:

- Current trade union activities such as ongoing campaigns and upcoming events
- Information on how to get involved in the union's work on disability
- Guidance on current disability legislation and Government policy

Some unions provide information on current national legislation covering the rights of people with disabilities. The passing of new laws and changes in national legislation or policies may require trade unions to produce and disseminate information to make sure people with disabilities have access to up-to-date knowledge about their rights. This information should also be made available to all union representatives, especially union negotiators, and also to employers to ensure that they are aware of their duties under the law.

**Example:** UNISON

UNISON provides a [Fact sheet on the Disability Discrimination Act \(DDA\)](#). The fact sheet covers the recent changes in legislation and summarizes workers rights under the Act and the major implications it has for the way unions operate. It also includes good practice advice to its union branches.

**Example:** The American Federation of State, County and Municipal Employees Union (AFSCME)

AFSCME has produced the guide [Fighting for the Rights of Employees with Disabilities](#) which gives guidance to union representatives on the Americans with Disabilities Act (ADA) and how they can fight workplace discrimination against employees with disabilities.

**Example:** Trades Union Congress in the United Kingdom

A [Questions and Answers on Disability Discrimination](#) is provided by the TUC on its [WorkSmart](#) Web site to give advice and information to people with disabilities on their rights and on employers' duties. The following box illustrates examples of questions from the Web site.

## Questions & Answers on Disability Discrimination from the TUC

- How am I protected against disability discrimination?
- What are "reasonable adjustments"?
- What counts as a disability for discrimination purposes?
- What can I expect my employer to do to take into account my disability?
- Who is covered by the Disability Discrimination Act (DDA)?
- How do I know if my disability is covered by the DDA?
- Is 'reasonable adjustment' expensive?
- Can I get government help to access work?
- Am I entitled to time off work to adjust to my disability?
- What can I do for myself to adjust to my disability?
- What should my employer do to help me further?
- How soon should I talk to my employer about my disability?
- What can I do if my employer won't help me?

Source: [www.worksmart.org.uk](http://www.worksmart.org.uk)

It is important that such information is available and accessible to people with disabilities. Providing accessible information gives people with different kinds of disabilities equal access to important knowledge about what is going on in the workplace and an equal opportunity to participate in trade union and workplace meetings and activities on an equal footing with their non-disabled co-workers. Trade unions should ask their disabled members how to best provide union material in accessible formats.

For example, posting material on the Internet allows people with different kinds of disabilities to access the information by using technology such as screen readers, alternative keyboards and different kinds of computer software. It is important, however, to make the union Web site compatible with this technology which can be accomplished by seeking expert consultation. More information on Web accessibility can be found at the [World Wide Web Consortium Web site](#) or the [Nomensa Web site](#).

## 2. Raising Awareness

Trade union linkages with governments, training programmes, workers' and employers' organizations and individual companies offer immediate opportunities for positive awareness building. Their knowledge about the workplace and legislative changes, along with their expertise in advocating for workers' rights, means that trade unions can be effective in raising awareness about disability.

**Example:** Canadian Labour Congress

The *International Day of Disabled Persons* on December 3, initiated by the United Nations in 1992, aims to promote the understanding of disability issues and to mobilize support for the dignity, rights and well-being of people with disabilities all around the world. On that day individuals and organizations, including trade unions, are encouraged to organize their own activities and events to raise awareness about disability issues. One example of a trade union activity is the [Canadian Labour Congress Statement on the International Day of Disabled Persons](#) in 2005.

Besides the International Day of Disabled Persons, two other international observance days present good opportunities for trade unions to raise awareness and to promote equal opportunities and equal treatment for people with disabilities. These are the *International Labour Day* on May 1 and the *International Commemoration Day for Dead and Injured Workers* on April 28.

**Example:** Joint IBEC/ICTU Workway initiative in Ireland

Workway is a partnership project between the Irish Business and Employers Confederation (IBEC) and the Irish Congress of Trade Unions (ICTU) started in 2001. The project involves unions, employers, people with disabilities, service providers and government agencies. Its overall purpose is to promote the employment of disabled persons by increasing awareness about disability.

The project has developed a vast resource of guidelines and practical solutions for employers, both for those who are thinking about hiring people with disabilities and those who already employ them. This includes information on what is referred to as the 'business case' for hiring disabled persons and on how to make the workplace accessible. Workway publications also provides people with disabilities with practical information on topics such as how to access the job-market, write a CV, prepare for a job-interview, access training or start a business. It has also developed guidance for trade unions on how they can support and represent people with disabilities in the workplace.

One innovative feature of the project has been the establishment of regional networks of employers, union representatives, relevant service providers and people with disabilities. The networks provide opportunities for knowledge sharing and working together in finding practical solutions to the many problems disabled people face in finding and retaining employment. Many of the Workway publications has been initiated and developed through these networks.

To access the publications and for more information about the initiative visit the [Workway Web site](#). One of its publications in particular, [Workway Disability and Employment Guidelines](#), serves as an information resource for employers, trade unions, co-workers and people with disabilities about the practical aspects of hiring people with disabilities, such as making reasonable adjustments or accommodations. It is a source of information for trade unions who want to prepare themselves for working with and representing a person with a disability in the workplace.

**Example:** The MORE Campaign of the Canadian Labour Congress

The Canadian Labour Congress (CLC) launched The MORE Campaign in 2001 to promote greater employment opportunities for Canadians with disabilities by creating positive disability awareness and providing guidance and support to its affiliated unions, individuals with disabilities and organizations advocating for disability rights.

The campaign's main instrument, the manual [The MORE We Get Together](#), includes information and guidance on four key areas relating to disability rights: legislation, workplace accommodation, collective bargaining and the role of the union and union activists. The manual gives examples of contract language used in collective agreements, including

provisions on return to work, human rights, employment equity, privacy and the duty to accommodate. It also provides checklists on topics helpful to negotiators and includes examples of what some trade unions already have done.

Two years after the launch of the MORE Campaign the CLC evaluated its impact on Canadian trade unions actions and found that many unions had taken initiatives in their workplaces to Mobilize, Organize, Represent and Educate (MORE) stakeholders about disability issues. Examples of what Canadian trade unions have already done and are still doing are available in the [MORE Campaign Interim Report](#).

### **3. Providing Disability Training to Union Representatives**

Trade union representatives are often the most knowledgeable people on the job when it comes to workers' rights. They have experience in dealing with the employer and being the voice of workers. Trade union representatives can combat inequality and discrimination in the workplace and become advocates for equal opportunities and equal treatment of workers with disabilities. Training is often needed so that trade unionists and others can take up this role as representatives for rights of disabled workers.

Trade union representatives can benefit from special training with regard to workers with disabilities in the workplace to understand the special needs that their disabled co-workers might have, such as the need for workplace accommodations and knowledge of the obligations that employers might have under national legislation that protect the rights of people with disabilities. They should also be aware of the fact that workers with disabilities are often subject to unfair treatment in the workplace, including harassment, unequal access to career development, training and education.

#### **Example: Amicus - Disability Champions @ Work in the United Kingdom**

The Disability Champions project was initially designed by the Amicus Disability Employment Rights National Advisory Committee in 2003, and has developed in partnership with the British Trades Union Congress (TUC), East Riding College and the disability organization Scope. To date the project has trained almost 250 union representatives from 19 different trade unions in the United Kingdom, and the Republic of Ireland, to become disability rights advocates in the workplace. The main purpose of the project is to identify suitable union representatives interested in disability issues and to equip them with the proper skills and knowledge to understand disabled workers' needs, so that they can effectively negotiate with employers. A Disability Champion also serves as a disabled workers' main contact person in the workplace.

The roles of a Disability Champion include the following:

- Negotiating reasonable adjustments
- Conducting access audits of buildings, documents and policies
- Liaising with external organizations and other Champions

- Raising awareness of disability issues
- Influencing recruitment procedures
- Recruiting disabled workers into the union
- Advising other union officers and members.

To carry out their workplace tasks Disability Champions take a 30- hour training course. The course is free of charge to all trade union members and covers the following:

- National disability policy and legislation
- The social model of disability
- Interviewing members with disabilities
- Negotiating reasonable adjustments
- Solving problems
- Developing improvement plans
- Identifying funding.

One of the key features of the project is the [Disability Champions Web site](#) where Disability Champions, workers with disabilities and others are encouraged to network with one another and to share ideas, information and good practices. The Web site includes an interactive area where examples of reasonable accommodations or adjustments are posted, forming a database of solutions to problems that disabled workers have faced in the workplace.

The following is an example of a workplace adjustment from the Disability Champions Web site submitted by a worker who has rheumatoid arthritis:

*...prolonged use of the keyboard causes pain in my hands and wrists. My Amicus representative has suggested that talk and type headset system may be a suitable alternative to a keyboard. A workplace assessment was carried out and arrangements have been made to purchase a talk and type headset on my return to work...*

#### **4. Collective Bargaining**

Collective bargaining is without a doubt one of trade unions most effective methods for ensuring workers rights in general. Collective agreements can be powerful tools to win workplace rights and fair treatment for people with disabilities as well. Many trade unions have effectively used the collective bargaining mechanism for this purpose.

Contract language in collective agreements should promote equal treatment and equal opportunities for workers with disabilities. Specific measures providing for people with disabilities might include the following:

- Anti-discrimination and anti-harassment provisions specifically protecting people with disabilities
- Health and safety measures to prevent all workers from getting injured on the job

- Job retention and the right for vocational rehabilitation services if a worker becomes disabled
- Supplements to workers' compensation benefits or special leave agreements, whenever necessary
- Workplace modifications and reasonable accommodation (adjustment)
- Return-to-work provisions enabling workers injured on the job to receive rehabilitation, job re-assignment or other accommodations.

Trade unions should also review existing negotiated agreements, especially those including clauses on non-discrimination, accommodation, return to work and benefits and leave, to ensure they provide the necessary protection for people with disabilities and their rights.

**Example:** United Steel Workers in Canada

The United Steelworkers in Canada (USW) has included in its [Policy on Employment of People with Disabilities](#) a commitment to use collective agreements as part of its protection and representation of disabled workers:

*All collective agreements should include a commitment from the parties to accommodate employees with disabilities regardless of the cause of the disability, and regardless of whether temporary or permanent. Contracts should also include anti-harassment and anti-discrimination provisions.*

**Example:** Canadian Union of Postal Workers

The [Canadian Union of Postal Workers \(CUPW\) Collective Agreement with Canada Post Corporation](#) includes an anti-discrimination clause that prohibits discrimination in the workplace on many grounds, including physical and emotional disabilities. The agreement also includes a provision on accommodation for Deaf and hard-of-hearing employees:

*When a Deaf or hard of hearing employee is required to attend an interview, a grievance hearing or arbitration and the employee requests an independent sign or oral language interpreter, the Corporation undertakes to provide such service to the extent that such resources are available.”*

Under the collective agreement workers who are injured on the job are entitled to disability insurance that covers most types of disabilities and allows for 70 per cent of their salaries and rehabilitation. The CUPW has developed a [Booklet on Disability Insurance](#) to guide and inform workers on their rights and how to proceed if they get injured on the job.

**Example:** Belgian Bipartite National Council

In most western European countries, a number of collective agreements contain specific regulations relating to people with disabilities. A more detailed overview of these is available in [Workers with disabilities: law, bargaining and the social partners](#), published by EIRO (European Industrial Relations Observatory On-line). One example is the Belgian Bipartite National

Council's Collective Agreement No. 43 (1988) that stipulates a guaranteed minimum monthly income for all employees, including people with disabilities, who are employed on the basis of an ordinary contract of employment. Collective Agreement No. 38 (1998) stipulates that employers must not treat job applicants in a discriminatory way on various grounds, including disability. Since 1989-90 an agreement also provides for a financial contribution for among others, disabled workers, to assist them in workplace adaptations to include the purchase of equipment or travel expenses.

**Example:** International Association of Machinists and Aerospace Workers in North America

Established as part of a collective agreement between the International Association of Machinists and Aerospace Workers (IAM) and the Boeing Company in 1989, the IAM/Boeing Health and Safety Institute's main mission has been to maintain a safe workplace and to return injured workers to productive tasks appropriate to their physical conditions. The collective agreement includes provisions to establish a Joint Health and Safety Communication and Workplace Site Committees in order to effectively promote an incident/accident and injury-free workplace. The agreement establishes "pay-rate protection" which provides financial security to an employee returning to a lower graded job-position after an injury.

Some unions provide bargaining support to their representatives on disability issues. The British public service union UNISON has produced the online guide [Negotiating To End Disability Discrimination](#). The Irish Congress of Trade Unions (ICTU) has developed [Working with Disabilities - Trade Union Resource Pack](#) which includes guidance for union negotiators. Also, the Canadian Labour Congress (CLC) includes bargaining support in their manual [The MORE We Get Together](#). The manual includes several examples of contract language used by different Canadian trade unions.

**Example:** Employers Union of the Pharmaceutical Industries in Brazil

In Brazil, a collective agreement in 2006 between the Employers Union of the Pharmaceutical Industries in the State of Sao Paulo (SINDUSFARMA) and several trade unions covering workers in the pharmaceutical industry set up a program for inclusion of people with disabilities. The program included a plan of action for employers and trade unions to work together providing training and job opportunities for disabled workers.

Brazil has a quota system that requires employers to hire a certain number of people with disabilities.

The collective agreement commits employers to report to the regional authorities under the Ministry of Labour and Employment on how many people with disabilities they are currently employing and how many they expect to employ within 45 days of signing the agreement. The agreement also commits the employer to initiate an evaluation of the workplace with regard to accessibility for people with disabilities.

Although many companies are already meeting their quota requirements they also have difficulties in finding people with disabilities who have the right training and skills to carry out a particular job.

The collective agreement requires the employer to provide training courses for people with disabilities. The courses are designed to prepare them for work in the pharmaceutical sector as well as in other sectors. The employer is required to hire professional staff to carry out the training and the training curriculum must be developed together with regional educational and training bodies in order to comply with national professional standards.

Under the agreement, to build awareness among employers about employment opportunities of people with disabilities, posters and other information are developed and disseminated through company bulletin boards.

The trade unions commit themselves to collaborate with employers and authorities in the development and evaluation of the program, and to provide all necessary information and support.

## **5. Negotiating Reasonable Accommodation**

One of the reasons people with disabilities may be excluded from work is that employers have not considered ways of adapting workplaces to accommodate their needs. Unions can help change this by working to ensure that employers accommodate workers with disabilities. In some countries this is an obligation under non-discrimination legislation. Even when supporting legislation is lacking, unions can still encourage employers to take action.

Trade unions with disabled workers should be involved in the accommodation process together with the disabled worker, the employer and other co-workers, if appropriate, to find reasonable solutions that will accommodate the worker's needs without imposing a disproportionate burden on the employer. Trade unions also have a responsibility to oversee existing collective agreements to make sure that they are not discriminating against people with disabilities and that they allow for accommodation. Sometimes a proposed accommodation may go against an existing collective agreement, which requires the union to make a significant effort to compromise.

Trade unions must also make reasonable accommodations to ensure that disabled workers can participate fully in union meetings and make their union's written and promotional material accessible to all union members.

Reasonable accommodation applies to all aspects of employment to ensure equal opportunities for disabled workers in the areas of job performance, job retention, recruitment and selection, training and career development.

Reasonable accommodation may include altering work conditions, permitting a gradual return to work after injury, granting a leave of absence, or making physical changes to the workplace. Accommodations usually cost much less than employers think. More information about accommodations and examples of costs for accommodations can be found on the Web sites of [Job Accommodation Network](#) and [EARNWorks](#).

**Example:** Public Service Alliance of Canada

The Public Service Alliance of Canada (PSAC) has produced [Duty to Accommodate: A PSAC Guide for Local Representatives](#) to help union representatives better understand the issue of accommodation and to understand the respective roles and responsibilities of the employer, the individual worker and the union in the accommodation process. The [Primer on Duty to Accommodate](#) developed by the Canadian National Union of Public and General Employees is another useful tool.

**Example:** The American Postal Workers Union

The American Postal Workers Union (APWU) has set up a [Deaf /Hard of Hearing Task Force](#) to address the unique problems facing Deaf and hard of hearing persons in the workplace, the union and the society. As part of the union's accomplishments representing their disabled workers, the collective bargaining agreement between APWU and United States Postal Service includes a [Memorandum of Understanding](#), which outlines the management's obligation to provide reasonable accommodation for Deaf and hard of hearing workers.

The APWU makes reasonable accommodations for the participation of Deaf and hard of hearing workers in union activities. These include use of real-time captioning at national meetings, video with closed captioning, and appropriate telecommunication devices at the union's national headquarters and regional coordinator offices.

## 6. Providing Training and Employment Services

Many trade unions provide training and employment services for their members. Considering that trade unions advocate for workers rights and provide services, it seems natural that they should also offer services to and advance employment opportunities for people with disabilities.

**Example:** Vietnam General Confederation of Labour

In Vietnam trade unions operates two vocational training and job consultation centres for people with disabilities. The Vietnam General Confederation of Labour (VGCL) of the Hai Duong Province provides training to between 30 to 70 people with different types of disabilities every year. The majority of the trainees are children of farmers. The trainees are provided a six-month training course and after completion of their training some trainees are assisted in finding jobs, mainly in garment, embroidery and knitting companies in the province. Others open their own shops.

The VGCL branch in Ben Tre Province has been operating a vocational training school for people with disabilities since 2001. The school provides training mainly in electronics, embroidery, tailoring, handicraft and office work. To date, the school has had 150 trainees and many get jobs after the training in completed.

VGCL has as policy to encourage their members and workers in general to buy and use the goods and services provided by people with disabilities to generate job opportunities and improve the incomes of disabled entrepreneurs and workers.

**Example:** The Kanagawa Regional Council of the Japanese Electrical, Electronic and Information Union in Japan

In the 1970s, there were few programmes and services for children with disabilities in Japan. Members of the Kanagawa Regional Council of the Japanese Electrical, Electronic and Information Union (JEIU) turned to their union asking for assistance in raising their intellectually disabled and autistic children. In response to their members' needs the union started a foundation raising money through selling matches and tissues. The foundation funded a counselling service and a telephone hotline, and also lobbied the local government to address public accessibility issues and provide education and other services for disabled students.

As the children grew up, the JEIU's Kanagawa Regional Council recognized the need for employment services to help young people with intellectual disabilities prepare for meaningful employment. The council found that sheltered workshops often did not provide high-level employment opportunities and that the skills taught at special schools and vocational rehabilitation centres were frequently outdated compared to what companies required. They also found that when people with disabilities did find employment, they often lacked sufficient social and work adjustment skills to maintain their jobs and to live independently.

Using JEIU and government funding, the union established The Yokohama South Employment Centre in 1992. Today it promotes the employment of people with intellectual disabilities through many services, including vocational assessment, guidance and counselling, skills training, supported employment and job placement and follow up-services. The union has also established two other employment support centres for people with intellectual disabilities: the Shounan Centre for Community Employment in 1997 and the Kawasaki Supported Employment Centre in 1999. The centres and their workshops, together with the union's other social programmes such as day-care service for the elderly and a volunteer training programme, are operated collectively by the overarching social welfare corporation called the Denki Kanagawa Centre for Community Welfare. They now serve the general public.

For people with disabilities, the following services are provided:

- Assessment of the trainee's capabilities and development of an individual plan
- Counselling and guidance to assist trainees in developing motivation, habits and attitudes needed to earn a living
- Social skills training, including job-search and independent living skills
- Workshop programmes that allows trainees to develop their skills in a sheltered environment as similar as possible to the settings of regular companies
- Employment oriented programmes that gradually develop the trainee's skills, including simulated work in workshops and different kinds of internships, and then part-time or full-time employment in regular companies

- Placement and follow-up services where job-coaches help trainees prepare for job interviews and provide support and training while the trainees adjust to their workplace
- Technical advice to employers about job accommodations and workplace adjustments.

The Denki Kanagawa Centre for Community Welfare works closely with local employers' associations to encourage companies to hire people from the Employment Support Centres. It also offers advice to Japan Federation of Employers' Associations (Nikkeiren) and companies that want to set up special subsidiary companies to hire disabled workers.

For more information visit the [Denki Kanagawa Centre for Community Welfare Web site](#) or read about this example in the ILO publication [Moving Forward – Toward Decent Work for People with Disabilities](#).

## 7. Providing Return-to-Work Services

Workers who becomes injured on the job should have the right to prompt medical treatment and to the assurance that their wages and jobs will be protected. They should also be entitled to adequate rehabilitation that includes early intervention, comprehensive vocational assessment and rehabilitation based on individualized planning with their involvement, so they hopefully can return to work as soon as possible. Return-to-work plans may include returning to work gradually, with accommodation, at reduced hours or in reassigned positions until the worker is ready to return to full working capacity.

Workers also need to understand what will happen if they become injured or disabled, and should have a clear understanding of company policy and legal protections.

Trade unions have an important role in participating in the formulation and implementation of legislation and disability management and rehabilitation programmes to ensure adequate protection of disabled or injured worker rights. Trade unions can also play important role when disputes arise, such as when an accommodation might interfere with a negotiated seniority clause. Some trade unions are also involved in the operation and design of return-to-work services.

**Example:** International Association of Machinists and Aerospace Workers (IAM)/ Boeing Joint Programs-Vocational Solutions in the United States

The IAM Boeing Vocational Solutions program, managed by the non-profit, IAM-sponsored organization called the Corporation for Re-Employment and Safety Training (IAM C.R.E.S.T.), assists ill or injured workers remain at work or return to work by engaging the services of experienced, nationally certified Vocational Rehabilitation Counsellors in the workplace.

The main tasks of a Vocational Rehabilitation Counsellor's include:

- Providing guidance to the injured worker when he or she returns to work after and injury or illness
- Identifying accommodations and making recommendations for job site modifications

- Assisting the employer research reassignments appropriate to the injured worker.

An important part of the Vocational Solutions program is job site modification, which is offered to injured Boeing employees. A job site modification can be temporary or permanent and consists of an adjustment or alteration of the injured employee's work area in order to accommodate the restrictions imposed by an injury or illness. On average about 200 to 300 jobs are modified each year at an average cost of less than 800USD per job for new/modified equipment.

More information about the programme can be found on the [IAM/Boeing Joint Programs Web site](#).

## 8. Organizing and Unionizing Workers with Disabilities

In most countries people with disabilities are underrepresented in trade unions. Trade unions have a responsibility to actively unionize people with disabilities, especially since people with disabilities can experience unfair treatment in the workplace. Trade unions will gain from having people with disabilities as members, since diversity will strengthen the union and disabled workers may be an untapped source of membership. Disabled members can contribute their knowledge about certain needs or workplace experiences that only they might have.

### **Example:** Liquor Hospitality & Miscellaneous Union in Australia

Thirty years ago one of Australia's largest trade unions, the Liquor Hospitality & Miscellaneous Union (LHMU), was approached by non-unionized workers with disabilities employed in sheltered workshops asking the LHMU for help. Since then the LHMU has gradually increased its number of members with disabilities and is today the largest and one of few trade unions covering workers in supported (sheltered) employment in Australia.

Originally, mainly covering workers in the state of New South Wales the LHMU is now moving forward, with the support of the Australian Council of Trade Unions (ACTU), to unionize workers in supported employment in the whole of Australia.

There are over 230 supported employment services operating in 390 locations in Australia and due to changes in Government policy, the conditions for operating these services have increasingly become more similar to those for regular businesses, requiring the workers to be paid wages based on productivity and competency. The LHMU is currently campaigning for fair wages for all workers in supported employment and is pushing for the employees to be covered by an industrial award regulating working conditions and minimum pay.

Besides advocating for fair wages LHMU representatives regularly meet with the workers in supported employment to provide guidance and encouragement and to discuss working and training conditions. Union representatives actively participate in identifying and assisting people with disabilities in finding suitable training to move beyond their current job and increase their chances of finding employment in the open job-market. LHMU is also actively working with

employers to encourage them to sign contracts with supported employment businesses, to increase the job opportunities for workers in supported employment.

The LHMU promotes equal opportunities for people with disabilities within its own organization and have people with disabilities represented on union branch councils.

**Example:** Unitarian Trade Union Centre in Peru

In Peru, the issues of rights and social integration for people with disabilities have been of low priority for trade unions, the Government and in society at large. However, in recent years trade union initiatives encourage both unions and state authorities in Peru to take action to promote equal opportunities and equal treatment for people with disabilities.

In 2001 the Unitarian Trade Union Centre (CUT) in Peru established the first trade union for workers with disabilities called SINUTRADIS. The union is affiliated with CUT-Peru, which is the only National Centre in Peru that has such an affiliate.

The overall objective of the affiliate is to foster the integration of disabled persons in the society, the workplace and working life in general. It believes that the creation of SINUTRADIS has helped advance the issue of social integration for people with disabilities in Peru and has given workers with disabilities a stronger and more unified voice to advance their rights. Since 2002 the CUT-Peru has assigned a person to represent SINUTRADIS in different social and political authorities that deal with issues regarding people with disabilities. One SINUTRADIS official is also represented on the executive committee of the CUT-Peru.

The CUT believes that disability rights should be a natural issue for trade unions as part of its protection of workers rights in general, and is trying to encourage other unions to raise the issue on their agendas.

As the most marginalized group in Peruvian society, the CUT prioritizes workers in the informal sector. Informal sector workers lack the labour rights other workers enjoy and are not included in the definition of workers in the labour legislation. The CUT is trying to influence the state so that all workers in the informal economy, including people with disabilities, can have the same fundamental rights as other workers. The CUT also actively encourages and supports workers with disabilities to organize into unions or local associations.

The CUT and SINUTRADIS are working together with other trade union federations in Peru, including the Departmental Federation of Street Vendors in Lima and Callao (FEDEVAL), where SINUTRADIS represents women workers with disabilities. The project is part of the global ICFTU campaign “Unions for Women, Women for Unions”. The projects’ main objectives are to unionize women workers especially in the informal sector and in rural areas and to increase the representation of women in decision-making levels of trade unions. To date the project has been targeting Lima, the capital of Peru. It is estimated that in Lima metropolitan area there are over 20,000 women working in the informal sector, representing 75 per cent of the informal labour force. 10,000 of them have already been organized into unions, including many women with disabilities.

**Example:** Swedish Trade Union Confederation

Samhall is a state-owned company that started operating in 1980. It is one of Sweden's largest subcontractors in the electronics, furniture packaging and mechanical engineering sectors, and it is also a big provider of services, such as cleaning and property services. The goal of Samhall is to create meaningful work for persons with reduced working capacity. Employing about 21,000 people with different kinds of disabilities in every municipality in Sweden, the company is an essential part of the Swedish Government's labour market policy to create job opportunities for disabled persons.

In connection with the creation of Samhall trade unions within the Swedish Trade Union Confederation (Landsorganisationen) concluded a collective agreement especially for the workers within Samhall's industrial sector. Another agreement was signed in the 1990s for covered workers in service and hospitality sectors as well. Since 2006, both industry-workers and workers in the service sector are covered by the same collective agreement.

Uniquely, Samhall employees have a high trade union affiliation with more than 95 per cent affiliated with the LO. This gives Samhall workers the same rights as any other worker to get support from their trade union when needed, such as representation in the Labour Court.

## 9. Developing and Adopting a Union Disability Policy

Developing a disability policy for the union is a way to raise the union's awareness and to identify problems facing people with disabilities in the workplace and in the society as a whole. A policy should be developed in collaboration with people with disabilities and disability advocacy groups and might include a statement of basic rights, a description of identified problems and a list of commitments on how the union should work to address these problems. A disability policy can serve as the basis for developing disability action plans or strategies, including a detailed plan of action.

**Example:** Australian Council of Trade Unions

Since 2002 the Australian Council of Trade Unions (ACTU) has conducted Workers with a Disability Conferences, where the ACTU and representatives from its affiliated unions meet with workers with disabilities and disability advocacy groups to discuss how to address the problems facing people with disabilities. The conferences present a good opportunity for the unions to receive valuable information from individual workers with disabilities on their workplace experiences and are a way to recruit new members with disabilities.

The 2002 Workers with Disability Conference resulted in a statement by the participants that emphasized the importance of unions and disability advocacy groups working together as a coalition. Another important outcome of the conference was a [Union Charter](#) which came to serve as the basis for the [Australians Marginalised from Decent Work – Workers with a Disability Policy](#) adopted during the ACTU Congress in 2003. The policy suggests that the

ACTU engage in the following tasks to improve the conditions and ensure equal rights of workers with disabilities:

- Encouraging individual unions to develop disability action plans
- Assisting labour councils and unions in organising and representing the interests of workers with disabilities
- Establishing pilot projects to work with large corporations and major employer organisations to develop disability action plans to increase employment opportunities for workers with disabilities
- Participating in national campaigns and in public education activities to raise awareness in the community and among businesses about unethical contracting practices and fair wages.

The ACTU is also working closely with the Liquor, Hospitality & Miscellaneous Union (LHMU) to campaign for fair wages for people with disabilities.

### ***What can trade unions do to get started in addressing disability issues?***

Trade unionists reading this document may wonder how to get started. What is the first approach to take to learn more about disability? Not all trade unions work in the same way. They might have different organizational structures and different priorities depending on their national situation, laws and the union structure under which they operate. Some trade unions might already been engaged in equity issues and can learn from their experiences with other populations, such as women or ethnic minorities.

Below is a list of suggestions on how trade unions can start addressing disability issues. Each trade union will have to decide on a plan of action that works for its constituency and in its context. Regardless, it is important to take action and move forward.

1. Get to know disabled persons, especially union members with disabilities. Even unions that have not actively represented disabled workers have probably worked with injured workers or have disabled members in their ranks. Some unions might begin by doing a survey or inviting those with disabilities or disabled family members to come to a meeting about the issue of disability. Contact organizations representative of disabled persons in your community to provide advice.
2. Learn about national legislation and policies related to disability. In some countries provincial and municipal policies may also be relevant. Almost every country has some kind of legislation or policy related to employment of people with disabilities, non-discrimination and/or coverage for injured workers. Trade unionists should be aware of the laws and policies related to these groups.
3. Talk to other social partners, such as employers' organizations, government offices that deal with disability issues and non-governmental organizations, especially those of

disabled persons. There are many organizations that would welcome trade union involvement and input on this issue. Many countries also have government-sponsored coordinating bodies that address disability issues. Find out if such groups exist at national or local levels and get involved if trade unions are not already represented on such bodies.

4. Reach out to organizations of and for disabled persons. Organizations of disabled persons are typically representative, membership-based and managed by disabled persons for self-help, advocacy and related purposes. Sometimes they represent one type of disability such as an organization for the Deaf or the blind. Most countries often also have an umbrella or peak body that is composed of organizations of all types of disabled persons. For more information about disabled persons' organizations in your country, contact [Disabled Peoples' International](#). Organizations for disabled persons are usually NGOs, charities or other institutions that are operated to assist people with disabilities in some way and may or may not be managed by disabled persons.
5. Find out about what other unions have done. This information sheet is a great start at finding out what other unions have done. It provides access to Web addresses where more information is available. Write to the contacts listed in the Web sites, read the documents provided and learn as much as possible. Find out what other unions might be doing at the national level. Raise questions at national and international meetings and ask what other trade unions are doing to address the needs and rights of disabled workers.
6. Determine what the needs of disabled persons are. The best way to do this is by talking to disabled members or other disabled persons. However, many countries have done research, have policy papers which outline needs or have plans of action in place to address the overall needs of disabled persons. Consult the [ILO's Disability and Work Web site](#). In the Asia Pacific region, the [AbilityAsia Web site](#) is useful for county-based information.
7. Find support or disability champions within the union and form a committee to study the issue. Within the union structure there might be many individuals or a department with a particular interest or potential interest in this issue. Often it is those involved in issues such as social security, workers' compensation, equity, gender or other specialists or units that will see the link to disability. If enough interest exists, many unions have formed internal committees to further study the issue.
8. Develop a plan of action. Once issue has been reviewed, studied and some internal champions have been identified, it is a good idea to develop a plan of action. It need not be involved; just some simple steps to keep moving the issue forward. Eventually, even trade unions that are novices on the issue of disability can develop initiatives like the ones profiled in this information sheet.

## ***Attachment 1: What the ILO standards say about trade unions and disability issues***

The following is a summary of the ILO vocational rehabilitation and disability management standards with a particular emphasis on what they say about the role of trade unions in the process of policy development and implementation.

ILO [Recommendation No. 99 concerning Vocational Rehabilitation of the Disabled, 1955](#) recognizes workers' organizations as important in widening employment opportunities for workers with disabilities. According to the Recommendation measures to promote maximum opportunities for disabled workers to secure and retain suitable employment should be taken in close co-operation with employers' and workers' organizations. These measures should be based on the following principles:

- Disabled persons should be afforded an equal opportunity with non-disabled persons to perform work for which they are qualified.
- Disabled persons should have full opportunity to accept suitable work with employers of their own choice.
- Emphasis should be placed on the abilities and work capacities of disabled persons and not on their disabilities.

ILO [Convention No.159 concerning Vocational Rehabilitation and Employment \(Disabled Persons\), 1983](#) calls on governments to develop a national policy on vocational rehabilitation and employment promotion. A central requirement of the Convention is that the social partners and disabled peoples' organizations participate in the process of developing, implementing, monitoring and the evaluating of such a policy.

The accompanying ILO [Recommendation No.168 concerning Vocational Rehabilitation and Employment \(Disabled Persons\), 1983](#) provides detailed guidance on the implementation of Convention No.159 for all social partners, including employers' and workers' organizations. The Recommendation proposes that workers' organizations should, whenever possible and appropriate:

- Adopt a policy for the promotion of training and employment of disabled persons within their organizations.
- Promote participation of disabled workers at the shop floor.
- Participate on the boards of vocational rehabilitation and training centres.
- Propose guidelines for vocational rehabilitation and the protection of disabled workers in collective agreements, regulations and other appropriate instruments.
- Offer advice at the shop floor with regard to disabled workers' issues.
- Raise disability issues at trade union meetings .
- Inform members on disability issues through publications and seminars.
- Cooperate with specialists to reintegrate disabled workers injured on the job.

- Operate vocational rehabilitation services whenever possible and include disabled persons in existing services.
- Carry out research and propose legislation in the field of vocational rehabilitation.

The [Code of Practice for Managing Disability in the Workplace](#), adopted in 2001, is aimed at enterprises of all sizes in both the public and private sector. It seeks to promote safe, accessible and healthy workplaces that maximizes disabled workers' contributions to their workplaces and minimizes disability associated costs for employers. The Code re-emphasizes previous ILO standards and suggests further action to be taken by workers' organizations, including the following:

- Encourage workers with disabilities to become trade union members and take leadership roles.
- Raise employers' awareness about laws and standards related to disability.
- Assist in formulating enterprise-based disability management programmes.
- Ensure that positive measures are introduced to the foster inclusion of disabled workers in the workplace.

The Code also emphasizes that workers' organizations should be model employers and implement ILO disability standards within their organizations.

In addition to ILO standards dealing specifically with disability, the ILO seeks to eliminate discrimination and promote equality of opportunity and treatment through the two fundamental ILO Conventions: the [Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#) and the [Equal Remuneration Convention, 1951 \(No. 100\)](#). Moreover, the ILO [Convention No. 142 concerning Human Resources Development, 1975](#) highlights the importance of extending its vocational guidance services to people with disabilities and adapting vocational training systems to meet the needs of all. Furthermore, the ILO [Recommendation No. 195 concerning Human Resources Development, 2004](#), calls on Governments to promote access to education, training and lifelong learning for people with special needs, including people with disabilities.

As an important step forward in promoting the rights for people with disabilities, the United Nations adopted the [Convention on the Rights of Persons with Disabilities](#) (CRPD) in December 2006. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by people with disabilities. This includes rights to education, work and employment, as well as in the political and cultural life. The CRPD went into force in May 2008, having received the requisite number of ratifications.

A more detailed overview of ILO disability specific standards as well as other relevant ILO standards and international legal instruments concerning people with disabilities is available in the ILO publication: [The Right to Decent Work of Persons with Disabilities](#).

## **How to take action:**

ILO standards can be effective tools for trade unions in their promotion of equal rights and opportunities for people with disabilities. Trade unions in countries that have not yet ratified

Convention No.159 concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983, should advocate for its ratification by their respective Governments. Trade unions can similarly advocate for ratification of the UN Convention on the Rights of Persons with Disabilities.

Trade unions in countries that have already ratified the ILO Convention have an important role in ensuring its implementation. According to the ILO Constitution, Member States who have ratified a Convention must take necessary action to make effective the Conventions provisions and give it effect in national law. As part of the ILO instruments for monitoring the Government's compliance with ratified Conventions, the Government must also submit a report on the implementation progress to the ILO every five years. This report should include workers' and employers' organizations observations on the Government's performance in implementing the Convention. It's important that workers' organizations take this opportunity to give their views on the implementation progress. The Government has a responsibility to inform workers' and employers' organizations on measures taken to implement the Convention and the ILO recommends that workers' organizations try to establish a constructive dialogue and a good working relationship with the Government at an early stage of the implementation process.

**Example:** Portugal ratified the ILO Convention No. 159 in 1999. Observations made by the General Confederation of Portuguese Workers (CGTP) and General Union of Workers (UGT) highlighted the fact that even though the Portuguese national legislation contains various instruments to promote the social and vocational integration of persons with disabilities, vocational adaptation and rehabilitation were uncommon in practice, as demonstrated by the low number of persons with disabilities integrated into employment. Moreover, it was spelled out that although measures for rehabilitation and inclusion of persons with disabilities were provided by law, they had never been implemented through the development of regulations.

The responsible ILO body for the monitoring of compliance is the *Committee of Experts on the Application of Conventions and Recommendations (CEACR)*. All their reports can be found on the ILO Web site, [Application of International Labour Standards \(APPLIS\)](#). The above mentioned CEACR report on Portugal can be viewed [here](#).

***Acknowledgements: The ILO acknowledges the work of Magnus Ingvarsson who researched and drafted this document as an intern and later a consultant at the ILO's Subregional Office for Southeast Asia. He worked tirelessly and with dedication under the guidance of Debra Perry, Senior Specialist on Disability for Asia and the Pacific, who assisted with drafting and editing. Special thanks also go to Raghwan Raghwan and Elsa Ramos-Carbone, respective former and current Senior Workers' Specialists at the ILO's Subregional Office for Southeast Asia, and to Christine Nathan, Senior Workers' Specialist for Education and Training at the ILO Regional Office for Asia and the Pacific. All reviewed and made contributions to this document. Thanks also to Barbara Murray, Senior Specialist on Disability at the ILO's Headquarters Office in Geneva, Switzerland for her support and review.***