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# Disability Equality

A briefing for  
UCU members  
and reps

The Coronavirus pandemic saw disabled people being hit hardest by the crisis and they continue to be so now as we move out of it. In the workplace, the sporadic way in which reasonable adjustments have been implemented has left disabled people unable to participate fully in work while being more likely to be made redundant.

## Disability employment pay gap and reasonable adjustments

Data from the Office of National Statistics (ONS)<sup>1</sup>, shows that Disabled employees earn £1.93 less per hour than non-disabled employees, equating to a £3,500 pay gap based on a 35-hour week and the pay gap between Disabled and non-disabled employees has widened, to 13.8%, compared to 11.7% in 2014. Furthermore, TUC research<sup>2</sup> found that before the pandemic, over four in 10 (45%) disabled workers who asked for reasonable adjustments failed to get any or only got part of them and one-fifth (20%) who needed reasonable adjustments had not asked for them. This means that more than half of disabled workers (65%) who needed them were not getting all or part of the reasonable adjustments they needed.

## The Disability Employment Charter

The Disability Employment Charter<sup>3</sup> sets out nine key actions government needs to implement to address the disadvantages disabled people encounter in the workplace. We believe that our employers have a role in placing pressure on the government to end discrimination in the workplace against disabled people, by implementing the actions the

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<sup>1</sup>Disability pay gaps in the UK - Office for National Statistics ([ons.gov.uk](https://ons.gov.uk))

<sup>2</sup>Disabled workers' experiences during the pandemic | TUC

<sup>3</sup>Home | The DEC ([disabilityemploymentcharter.org](https://disabilityemploymentcharter.org))

Charter outlines. UCU is a supporter of the Charter, which was developed by Disability Rights UK, Disability @Work, Leonard Cheshire, Scope, the DFN Charitable Foundation, the Shaw Trust, the University of Warwick, and UNISON.

Branches are encouraged to adopt and adapt the model motion and branch letter below to begin talks. The nine areas of the Charter and actions called for are:

## **1. EMPLOYMENT AND PAY GAP REPORTING**

All employers with 250+ employees to publish data annually on the number of disabled people employed as a proportion of the workforce; their disability pay gap and the percentage of disabled employees.

## **2. SUPPORTING DISABLED PEOPLE INTO EMPLOYMENT**

Increase disabled people's access to employment programmes and apprenticeships; increase the scale, quality and awareness of supported employment programmes and supported internships with increased provision of tailored careers advice for disabled people.

## **3. REFORM OF ACCESS TO WORK (ATW)**

Remove the AtW support cap; ensure application/renewal processes are efficient, personalised, and flexible. Facilitate passporting of awards between organisations and from Disabled Student's Allowance to AtW.

## **4. REFORM OF DISABILITY CONFIDENT**

All employers at Disability Confident Levels 2 and 3 to meet minimum thresholds regarding the percentage of disabled people in their workforce; and remove accreditation from employers that do not move up within 3 years from Level 1 to Levels 2 or 3.

## **5. LEVERAGING GOVERNMENT PROCUREMENT**

The government should ensure award decisions for all public sector contracts take into account the percentage of disabled people in the workforce of tendering organisations; require government contractors to work towards a minimum threshold regarding the percentage of disabled people in their workforce; and take failure to achieve this threshold into account in future contract award decisions.

## **6. WORKPLACE ADJUSTMENTS**

The government should require employers to notify employees on decisions regarding reasonable adjustment requests within two weeks; make the option to work flexibly from day one the legal default for all jobs; introduce stronger rights to paid disability leave for assessment, rehabilitation, and training; and fund an increase in Statutory Sick Pay to the European average.

## **7. WORKING WITH DISABLED PEOPLE AND THEIR REPRESENTATIVES**

The government should require employers to consult and negotiate with disabled people and their representatives on disability equality matters; and provide trade union equality

representatives and disability champions with statutory rights to time off to perform their role.

## **8. ADVICE AND SUPPORT**

The government should create a 'one-stop-shop' portal to provide information, advice and guidance to employers on recruiting and retaining disabled people, and to disabled people on their employment rights.

## **9. NATIONAL PROGRESS ON DISABILITY EMPLOYMENT**

The government should take into account increasing disability prevalence in calculating the disability employment gap and use the 'prevalence corrected' employment gap measure in monitoring national progress on disability employment.

UCU believes that the Charter is a tool that branches can use to effectively progress disability equality. The actions below, meet the priorities identified in the further education (FE) and higher education (HE) campaigns and are supported and endorsed by UCU's Disabled Members' Standing Committee (DMSC).

We would like to hear from you on the progress of talks with your employer. Please contact Sharon Russell ([srussell@ucu.org.uk](mailto:srussell@ucu.org.uk)), Equality Support Official.

## MODEL INTRODUCTORY LETTER

Branches are free to adapt this model branch letter.



**Dear**

We would like to meet with you to discuss [**college/university**] becoming a signatory to the Disability Employment Charter ([www.disabilityemploymentcharter.org](http://www.disabilityemploymentcharter.org)).

The founding members of the Charter are the University of Warwick, UNISON, Disability Rights UK, Disability@Work, Leonard Cheshire, Scope, the DFN Charitable Foundation and the Shaw Trust Foundation. UCU became a signatory to the Charter in November 2021.

The Charter sets out the actions we believe the Government needs to implement to address disability employment disadvantage (reflected in a 30 - percentage point disability employment gap, and 14 - percent disability pay gap). These actions include mandatory disability employment and pay gap reporting, reform of the government's Access to Work and Disability Confident schemes, and the leveraging of government procurement. The proposals overlap with those of the All-Party Parliamentary Group for Disability, and the Centre for Social Justice Disability Commission.

Over 120 organisations have signed, including the country's main disability charities (Mind, National Autistic Society, Mencap, Sense, RNIB and RNID), and a growing number of large corporates, thereby sending a powerful message to government regarding the widespread appetite for change from across a range of key stakeholders, and consensus regarding what this change should comprise.

Progressing disability equality is a priority for UCU and we believe that as a [enter disability confident level], you too are committed to ensuring that [name of college / university] attracts, retains, and supports both disabled staff and students. We would be pleased to collaborate with you to develop an action plan for achieving disability equality as outlined in the Charter and for [name of college / university] to be added to the growing list of signatories.

We look forward to meeting you to discuss this further.

**Name of Branch Chair / Secretary**

## MODEL MOTION

A fully inclusive and accessible working environment that takes into account the voices and lived experiences of disabled workers must be the catalyst to the change we want to see.

Branches are encouraged to incorporate the following key areas, based on the Disability Employment Charter, into negotiating and local branch campaigning to support the working lives and work-related well-being of disabled members. For the parts of the Charter's that fall outside of the remit of the employer, branches are encouraged to support wider campaigns and actions called for by the Trades Union Congress (TUC) and other related unions and organisations.

This Branch resolves to support the Disability Employment Charter and calls on our negotiators to engage with [enter name of college / university], to sign up to the following nine key areas for improving and addressing the inequalities faced by disabled workers.

- 1. Employment and pay gap reporting.** The government should require all employers with 250+ employees to publish data annually on the number of disabled people they employ as a proportion of their workforce; their disability pay gap; and the percentage of disabled employees within each pay quartile.

### THIS BRANCH RESOLVES TO:

- ➔ *Negotiate for the inclusion of targeted action plans to address the disability pay gap and to review disability monitoring policies and practices, including the call for mandatory disability pay gap reporting at both local and national level. This action refers to number 9 below.*

**NOTE:** UCU will support the TUC campaign to introduce comprehensive workforce monitoring and action plans (to be agreed with Trade Unions). Employers should collect and publish data including the percentage of the workforce that is disabled, disability pay gaps the percentage of proportion of Disabled People in each pay quartile, and data on recruitment and promotion, pay and remuneration, training, appraisals, grievances, and disciplinary action.

- 2. Supporting disabled people into employment.** The government should: increase disabled people's access to employment programmes and apprenticeships; increase the scale, quality and awareness of supported employment programmes and supported internships; and increase the provision of tailored careers advice to disabled people.

### THIS BRANCH RESOLVES TO:

- ➔ *Embed accessibility when organising and planning events to allow disabled members full participation*
- ➔ *Adopt the social model of disability and to use inclusive language to understand and avoid ableism and its impact on disabled people.*
- ➔ *Review and consult with disabled staff on new or existing policies and procedures for disabled staff.*
- ➔ *Ensure the branch and members are aware of appropriate training and awareness events and opportunities relating to disability equality and share these with disabled and non-disabled members.*

- 3. Reform of Access to Work (AtW).** The government should: remove the AtW support cap; ensure application / renewal processes are efficient, personalised, and flexible; entitle disabled jobseekers to 'in principle' indicative awards; facilitate passporting of awards between organisations and from Disabled Students' Allowance (DSA) to AtW; and increase awareness of AtW support.

**THIS BRANCH RESOLVES TO:**

- ➔ *Direct members to the guidance on the Access to Work Scheme*  
[https://www.ucu.org.uk/media/11006/Guide-to-Access-to-Work/pdf/ucu\\_guide-to-access-to-work.pdf](https://www.ucu.org.uk/media/11006/Guide-to-Access-to-Work/pdf/ucu_guide-to-access-to-work.pdf)

**NOTE:** UCU will support the TUC campaign seeking reform of Access to Work, so that it is sufficiently funded and available to Disabled job seekers

- 4. Reform of Disability Confident.** The government should: require all employers at Disability Confident Levels 2 and 3 to meet minimum thresholds regarding the percentage of disabled people in their workforce; and remove accreditation from employers that do not move up within 3 years from Level 1 to Levels 2 or 3.

**THIS BRANCH RESOLVES TO:**

- ➔ *Review and ensure that employers are meeting disability equality priorities they have identified in relation to the Disability Confident levels that have been awarded:*

**Level 1:** *Disability Confident Committed*

**Level 2:** *Disability Confident Employer*

**Level 3:** *Disability Confident Leader*

- 5. Leveraging government procurement.** The government should: ensure award decisions for all public sector contracts take into account the percentage of disabled people in the workforce of tendering organisations; require government contractors to work towards a minimum threshold regarding the percentage of disabled people in their workforce; and take failure to achieve this threshold into account in future contract award decisions.

- 6. Workplace adjustments.** The government should: require employers to notify employees on decisions regarding reasonable adjustment requests within two weeks; make the option to work flexibly from day one the legal default for all jobs; introduce stronger rights to paid disability leave for assessment, rehabilitation, and training; and fund an increase in Statutory Sick Pay to the European average.

**THIS BRANCH RESOLVES TO:**

- ➔ *Negotiate a timeframe of 2 weeks in which employers must respond to and implement requests for reasonable adjustments*
- ➔ *Negotiate using UCU's reasonable adjustment policy and passport to document agreed adjustments*

- ➔ **Guidance:** [https://www.ucu.org.uk/media/6091/Reasonable-adjustments---removing-barriers-to-disabled-people-at-work-UCU-guidance/pdf/Reasonable\\_adjustments.pdf](https://www.ucu.org.uk/media/6091/Reasonable-adjustments---removing-barriers-to-disabled-people-at-work-UCU-guidance/pdf/Reasonable_adjustments.pdf)
- ➔ **Policy:** [https://www.ucu.org.uk/media/10226/Making-adjustments-work-adjustment-passport-policy/pdf/ucu\\_adjustment\\_passport\\_policy\\_apr19.pdf](https://www.ucu.org.uk/media/10226/Making-adjustments-work-adjustment-passport-policy/pdf/ucu_adjustment_passport_policy_apr19.pdf)
- ➔ **Passport:** [https://www.ucu.org.uk/media/10225/Reasonable-adjustment-passport/pdf/ucu\\_adjustment\\_passport\\_apr19.pdf](https://www.ucu.org.uk/media/10225/Reasonable-adjustment-passport/pdf/ucu_adjustment_passport_apr19.pdf)[https://www.ucu.org.uk/media/10225/Reasonable-adjustment-passport/pdf/ucu\\_adjustment\\_passport\\_apr19.pdf](https://www.ucu.org.uk/media/10225/Reasonable-adjustment-passport/pdf/ucu_adjustment_passport_apr19.pdf)
- ➔ *Negotiate and establish a disability leave policy to support disabled workers' reasonable adjustment requests. \*NEW\* updated guidance on Disability Leave link to be included here.*

**NOTE:** UCU will support the TUC campaign seeking for a day one right to flexible working for all workers and a duty on employers to advertise all jobs as flexible upfront unless they can prove the job cannot be performed flexibly.

- 7. Working with disabled people and their representatives.** The government should: require employers to consult and negotiate with disabled people and their representatives on disability equality matters; and provide trade union equality representatives and disability champions with statutory rights to time off to perform their role.

**THIS BRANCH RESOLVES TO:**

- ➔ *Offer continuing support to UCU disabled members through representation and by looking through an intersectional lens*
- ➔ *Work with the employer as the recognised trade union for UCU members*
- ➔ *Encourage and support the development of networks for disabled members.*

- 8. Advice and support.** The government should create a 'one stop shop' portal to provide information, advice, and guidance to employers on recruiting and retaining disabled people, and to disabled people on their employment rights.

**THIS BRANCH RESOLVES TO:**

- ➔ *Provide advice and guidance on workplace matters relating to disability equality*
- ➔ *Ensure the branch and members are aware of appropriate training and awareness opportunities relating to disability equality and to share these with disabled and non-disabled members.*
- ➔ *Promote disability equality by engaging with UCU's annual campaign 'Day of Action for Disability Equality' held annually during Disability History Month, 16 November – 16 December UCU - Day of action for disability equality in education*
- ➔ *Share disability equality successes by emailing eqadmin@ucu.org.uk*



**9. National progress on disability employment.** The government should take into account increasing disability prevalence in calculating the disability employment gap and use the 'prevalence in calculating the disability employment gap measure in monitoring national progress on disability employment.

**THIS BRANCH RESOLVES TO:**

➡ *See point 1 above.*