

# Trade Union action on Disability and Decent Work

## A Global Overview



## Table of Contents

Executive Summary .....	3
Acknowledgements.....	3
Introduction .....	5
Understanding disability and work .....	5
The role of trade unions on disability .....	6
International Standards and Frameworks .....	7
ILO Programming and Research.....	8
Methodology.....	9
Actions on disability around the world.....	9
Global context .....	9
Global and Regional Actors.....	11
Types of unions and ways to work on disability .....	12
The first steps on working on disability .....	14
Achieving the decent work agenda.....	15
Employment Promotion.....	17
Social Protection.....	18
Social Dialogue.....	19
Standards and rights at work.....	20
Gender and equality .....	21
Challenges and Opportunities .....	22
Challenges and responses to them.....	22
Working on disability changes trade unions .....	23
Going Forward .....	24
Conclusions .....	24
Recommendations.....	25
Appendix: Labour Standards and Disability .....	27
Appendix: List of survey responses .....	28
Appendix: References .....	30

## **Executive Summary**

Trade unions are working all over the world on disability issues. This research captures and summarises trade union action on disability from over 50 countries, including developed, emerging and developing economies. Trade unions are taking a wide range of steps to achieve decent work for persons with disabilities, and beyond this, making their trade unions more inclusive and contributing to their mission of achieving social justice. This research offers a new perspective to trade unions who have not worked on this issue, and points to opportunities for others to develop their work further.

Disability, decent work for persons with disabilities, and the role of trade unions provide a challenging context. We need to understand disability in terms of rights, and the social contexts of disability. We then also see the contributions persons with disabilities can make and how productive work can be ensured by removing barriers. With this perspective, we see that disability can be fully integrated into the core activities of trade unions, from their formation to social dialogue to improving workplaces and working conditions.

Trade unions are acting on disability in developed, emerging and developing countries, including those in- or post-crisis. Even in countries where disability services are not developed, or where disabled people face severe social and economic exclusion, trade unions are able to make meaningful contributions. Each union takes a different path into work on disability, and some start off with charity-based approaches. However, as trade unions engage people with disabilities in dialogue – as they do with other workers – their activities evolve to a deeper inclusion.

Often trade unions and trade union experts observe that work on disability is not particularly visible, or that disability is not a priority issue among trade unions. This research shows how to rephrase this position by showing the extent of work that has been done, and trade unions that engage disabled people discover how actions on disability contribute to their priority areas. Analysis also shows the ways trade unions can make sure their work on disability is contributing to decent work for disabled people, and how to identify barriers to this process.

Internationally, the UN Convention on the Rights of Persons with Disabilities now provides the main context for promoting employment of persons with disabilities. The ILO's Convention on Vocational Rehabilitation and Employment is still relevant to constituents in some countries. However, both in these standards and in international work the relation between trade unions and the disability sector has not been made explicit.

While the International Labour Organization has done both research and programmes on trade unions and disability, this has, comparatively, not been a significant focus area. This research was conducted through desk review, interviews and survey results from over fifty organizations. It opens the way to further planning and activities in this area. The findings in this report present a challenge to international actors in labour and disability on how they can support trade unions on this subject. Key opportunities for the future include developing understanding further and coalition building.

## **Acknowledgements**

This report was commissioned by ACTRAV, ILO and managed by Faustina Van Aperen with support from Nezam Qahoush. It was researched and written by Peter Fremlin, an independent consultant. Guidance, advice and support were given by a range of colleagues

from HQ and field offices, including Carmen Benitez, Jürgen Menze, and Stefan Tromel. In ACTRAV, Maria Helena Andre and Anna Biondi provided strategic management and feedback.

Public Services International jointly surveyed its affiliates on disability inclusion and Sandra Vermuyten in particular took a lead on raising this important subject. A joint PSI and ILO conference in December 2016 provided important input and context. Other global unions including Building and Wood Workers' International (BWI), Education International (EI) and IndustriAll were active in supporting the research and distributing the ILO survey to their affiliates. Particular thanks to Nilton Freitas at BWI for distribution of the survey and its translation into Portuguese.

Thanks to all those who reviewed and made valuable comments on drafts of the report circulated for feedback. Including, among others:

- Andrés Yurén (ILO)
- Jürgen Menze (ILO)
- Marta Pujadas (Confederación General del Trabajo de la República Argentina),
- Nikola Wachter (EI)
- Rebeca Sevilla (EI)
- Robert O. Abwoga (Central Organization of Trade Unions, Kenya)
- Sandra Vermuyten (PSI)

Many more colleagues, specialists, unionists gave their time to respond to queries, support distribution of the survey or offer interviews. Over 50 replies were received to surveys. We thank all that gave so generously of their time and expertise.

The views expressed in this report do not reflect the official position of the ILO.

## Introduction

In this research, we gathered information from over 50 countries on actions taken by trade unions to support persons with disabilities and to raise disability issues. The Bureau of Workers' Activities (ACTRAV) in the International Labour Organization (ILO) conducted this research to answer the following questions:

- What are trade unions doing on disability issues around the world?
- How does this relate to achieving decent work?
- Which are the next steps for ILO and partners?

Trade union actions on disability are directly contributing to achieving decent work: through promoting employment; improving work-place conditions; assuring protections for workers with injuries and disabilities; ensuring the representation of workers; and ensuring implementation of legislation and standards related to employment of disabled people. Beyond decent work, trade unions have made contributions to wider awareness on disability as well as accessible and inclusive products and services. Many trade unions find that working on and creating partnerships around disability brought advantages to the union. Work on disability makes trade unions more inclusive and more connected to a wider range of stakeholders.

Action on disability was far from universal, however. Many trade unions and specialists also replied that they had not undertaken work on disability issues. Often it was because they felt that there were more urgent issues to the union, or because they did not have full knowledge on what action on disability might look like. This means that the challenge for ILO is how to extend and further enable trade unions by capitalizing on extensive, but often disconnected, work undertaken on disability. By doing so, the ILO will be supporting trade unions in better representing a wider range of workers, improving workplaces, conditions of work and in positively engaging with a wide range of partner organizations.

In order to see how and why trade unions can take action on disability, we need to understand more about disability and its relation to Labour

## Understanding disability and Labour

Persons with disabilities make up 15% of the world's population. We understand disability as being the result of impairments in *interaction* with barriers that hinder full participation in society. The impairment might be physical, mental, sensory or intellectual, and could be acquired at birth, later in life, or through accident or disease. Barriers might be attitudinal or environmental, and often these barriers are socially constructed in some sense.

The crucial takeaway for our subject is that disability is not just something about an individual who needs to change. Disability is present in *social* factors, and all stakeholders have a role in changing these social factors.

In many countries and contexts, disability is often understood as “inability to work”. This idea needs to be challenged directly. Persons with disabilities have shown they can work productively in all sectors and contexts. Even in difficult circumstances, where they have faced discrimination and social exclusion and do not have the support of services, there are still many cases of persons with disabilities working productively. Furthermore, the right of persons with disabilities to decent work without discrimination is established both through universal human rights' frameworks that determine the right of all to work, as well

as through the United Nations' Convention on the Rights of Persons with Disabilities, which specifically targets disability-related discriminations.

Persons with disabilities are a very diverse group, and so the pathways into decent work are often very different. Men and women with disabilities face different barriers and different societal expectations about their educations and careers. Many people acquire their disabilities through their working lives. Supporting them and removing barriers they face will enable to maintain and grow in their work.

### **The role of trade unions on disability**

Trade unions promote rights at work and in this context have taken a range of actions on disability, and these are often based on different understandings of what disability is and who are persons with disabilities. As we will see in following sections, many, but not all, of these actions are supporting decent work of persons with disabilities. What is important to note here is that when we see the role of trade unions in terms of promoting decent work of persons with disabilities, we see that action on disability is relevant to all of the union's core activities on rights at work. Because disability is created in part by barriers in society and in employment, working on disability is about removing these barriers. This supports persons with disabilities as a group, and it also supports other workers by ensuring freedom of expression, accessibility and inclusivity in employment, workplaces and unions themselves.

**The role of trade unions in working on disability is therefore, no different from their role at other times:** to mobilize workers, improve working conditions, and promote rights and decent work. In each of these areas, there are actions to be taken on disability that help to ensure the end result. Likewise, each of the actions to be taken use the traditional techniques of trade unions, whether through raising awareness, , negotiating with employers and government, collective bargaining or service provision. As discussed further below, these have relevance to all the pillars of decent work.

- **Making sure legislation and labour standards are adequate.** Disability-specific legislation may have requirements for non-discrimination and adaptations. Wider legislation also needs to be applied equally for persons with disabilities.
- **Awareness raising and advocacy.** Disability, like other subjects, needs engagement, information sharing and influencing attitudes of all stakeholders.
- **Formation of the union and representation of workers.** Disabled people have often not been able to explore or raise their experiences in the workplace, and trade unions need to offer a platform for representation and inclusion .
- **Ensuring conditions for decent work.** Accessibility in the workplace, making adaptations for workers that need them.
- **Recruitment, career development and retention.** This could include targeted recruitment of disabled people, provision of vocational training, or return-to-work schemes for workers that become injured or acquire a disability. Disability needs to be addressed together with fundamental rights at work.
- **Services or products in the workers' organization or the workplace.** Measures for accessibility and inclusion in services or products, including support to users or clients with disabilities.

In this way, disability issues do not have to be “extra” activities for trade unions to be addressed secondarily. They are at the core of trade unions' mission of representing all workers and fighting for rights and against social exclusion. Working on disability and

engaging persons with disabilities gives unions the chance to widen their membership, create new types of partnerships with a wide range of stakeholders, and improve the workplace for all workers. These activities are at the heart of achieving social justice.

### **A history of shared concerns**

The National League of the Blind was formed as a trade union in the United Kingdom in 1899. One of its key messages was “Justice not Charity”, as it campaigned for decent work and social protection for blind people. It became a member of the Trades Union Congress as soon as 1902, and was successful in using a combination of self-representation, lobbying and advocacy – including strike action. Its own membership was limited to those who were partially-sighted or blind, and included both those inside and outside of employment.

The League is a key early example of the intersection of disability, employment, and rights, and the role a trade union can play. It protested against “Charity”, because it was optional, campaigning instead for rights-based social protection, which resonated with the wider labour movement of the time. The League achieved new legislation, was a forerunner in rights for disabled people, and ran for a hundred years. In 2000, it merged with the Iron and Steel Trades Confederation.<sup>1</sup>

### **International Standards and Frameworks**

In the past ten years, the rights of persons with disabilities have been guaranteed at the international level, along with the commitment of the international community to realise them. These developments are more recent than the majority of labour standards, and do not specify the role to be played by trade unions in achieving them.

The UN Convention on the Rights of Persons with Disabilities (CRPD), adopted in 2006, establishes the rights of persons with disabilities in all areas of social life. States parties commit to principles of non-discrimination and promoting opportunities for persons with disabilities. In terms of employment this means working on an equal basis with others in an open work environment. It also includes exercising of labour and trade union rights on an equal basis with others.<sup>2</sup>

The Sustainable Development Goals (SDGs) commit to the empowerment of vulnerable groups, and explicitly target persons with disabilities. This is demonstration of the increasing importance of disability on the international stage. To see this progress, one only need look at Millennium Development Goals, which did not mention disability in any area. Today, Goal 8 of the SDGs, on full and productive employment and decent work for all, specifically includes disabled people. Furthermore, promoting decent work for persons with disabilities also contributes significantly to the other Goals.

These developments on the international stage are more recent than the creation of many labour standards. International labour standards are relevant to persons with disabilities whether disability is mentioned explicitly or not. For a fuller discussion, see the Appendix on this. Here, we should note that there are two internationally standards specifically dedicated to disability:

- Convention 159: Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983
- Recommendation 168: Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983

Convention 159, on Vocational Rehabilitation and Employment, 1983, now has ratifications from 83 countries. It is important to note here that Convention 159 sets out the role of workers' organizations in working on disability policy. As we see below, this Convention is being used actively in some countries, including by trade unions. Beyond these labour standards dedicated to disability issues, the eight Fundamental Conventions are applicable, as well as the Governance Conventions: in particular C 122 which establishes Full, productive and freely chosen employment. Recommendation 71, Employment (Transition from War to Peace), passed in 1944 and now being revised, is also an important reference. We should note that achieving any labour standard depends on making sure that it is realised for persons with disabilities.

Recently though it is clear that the CRPD has been the driver for changes in national legislation and even trade unions are more likely to reference to the CRPD than to Convention 159.

But there is a caveat. There is a gap at the international level, and in many countries, on formally recognising the relation between workers' organizations and work on disability. The role of trade unions is not specified in the CRPD, and the international disability community does not always see what their role is, or could be. The *World Report on Disability*, for example, a landmark document published in 2011, only mentions trade unions in passing.<sup>3</sup> Even though our research finds extensive grassroots and national-level action by trade unions on disability, with considerable input on national policies, this does not appear to be fostered explicitly by international frameworks.

### **ILO Programming and Research**

The ILO undertakes active programming in countries across the world. A recent sequence of projects funded by Irish Aid directly worked with trade unions in a few specific countries. In Thailand, in 2010, training and technical support were given to trade unions, as well as initiation of small projects.<sup>4</sup> Following that, there have been workshops in Ethiopia and Zambia designed to engage the trade union confederations and disseminate best practices. Even in other countries where ILO disability programmes did not directly target workers' organizations, trade unions were often engaged in consultation and awareness or training activities. In parallel to programming this there have been two Labour Education publications, from 1998 and 2004 dedicated to trade union work on disabilities, and an information sheet developed by ILO Regional Office for Asia and the Pacific in 2011.<sup>5</sup>

Currently in the Office, the technical lead on disability issues is taken by the disability team within the Gender Equality and Diversity (GED) Branch in the WORKQUALITY department. The Disability Inclusion Strategy and Action Plan 2014-2017 aims to increase attention to people with disabilities in ILO's work, and includes a specific target to develop activities with workers' organisations.<sup>6</sup>

A less tangible context of this research were the impressions of ILO specialists on trade unions, and those on disability. Both sides recognised the importance of connecting disability work with trade unions. However, some specialists had the impression that work



in this area was rare and in some cases, there was the expectation that work on disability by trade unions would not be a “priority” issue.

Against this background of work undertaken and the Office’s strategic direction on disability, this research offers an opportunity for stocktaking. The first aspect of this is better understanding the work that trade unions have already done on disability issues, and to document these specific practices. The second aspect is to use this information to design recommendations for ILO and ILO’s constituents on the way forward, in order to better support trade unions in addressing disability issues and decent work for all. As such, this research will open the door to further activities within the Office for a better collaboration between ACTRAV, GED, and other ILO units in order to support trade union activities in their work towards inclusion of persons with disabilities.

## **Methodology**

The principle methods of this research were desk review, semi-structured interviews with experts, and application of two surveys. The desk review was conducted through review of existing material, online searches, and grey institutional material. Semi-structured interviews were conducted with a range of colleagues within ILO, including ACTRAV staff in HQ and field-offices, as well as the Senior Disability Specialist in GED. Outside of ILO, interviews were held with experts and trade union representatives who had experience working on disability issues. A first, longer, survey was applied jointly with Public Services International who distributed it among its affiliates in English, French and Spanish. A shorter survey was designed, and distributed in Arabic, English, French, Portuguese and Spanish, in order to capture particularly examples of trade union action that had not been identified in previous steps.<sup>7</sup> Together, these surveys received 50 responses from trade unions around the world.

## **Actions on disability around the world**

This research found information from over fifty countries on actions taken by trade unions on disability inclusion. In many of these countries the work has been substantial. As the next sections show, activities on disability have contributed significantly to achieving decent work and to strengthening the trade unions themselves. This section starts by drawing some conclusions from the extent of work identified globally, looking at the different ways of integrating disability into trade unions, and the practical ways that trade unions have started and developed their work on this issue.

### **Global context**

Trade unions work on inclusion of persons with disabilities, and disability issues in a wide range of contexts around the world. They are undertaking activities in developed countries, developing countries, as well as those coming out of crisis or conflict. The wide range of differences in economic, social and cultural positions is also accompanied by differences in the context of disability, and trade unions themselves. Some contexts have strong legislation and established services on disability already; others do not. In each case, the role and opportunities of trade unions is different. This section describes examples from different areas to show that trade union work on disability exists in very different contexts.

**In developed countries with established legislation and services on disability**, including programmes to support persons with disabilities to enter or stay in the workforce, trade unions support and interact with these structures in their work on disability. In Canada, for instance, there is extensive engagement from trade unions in

disability issues. Trade unions themselves are bound to comply with disability legislation, and they also support in its design, through policy inputs, and implementation through supporting return-to-work programmes and accessibility and adaptations in the workplace. Disability issues are included in collective bargaining agreements in many countries. Unions have often taken significant measures to ensure representation and inclusion of persons with disabilities in their union structures and work. The National Union of Public and General Employees estimates that 15% of its membership, like the national population, are persons with disabilities.<sup>8</sup>

Ireland and the United Kingdom also offer important examples of extensive trade union work in developed countries. As we saw in the introduction, disability rights and the labour movement have been linked for over a hundred years. The methodology of “disability champions” is used to prepare advocates and representatives to raise and address these issues in the workplace and unions themselves. The Trades Union Congress also includes a separate conference for disabled workers. In both Ireland and UK, trade unions have created important policy and guidance materials on how to address these issues.<sup>9</sup> As well as actively campaigning on the changing place of disability in policy in these countries today, they are promoting inclusion of disability in labour movements internationally.

**Depending on the country’s system for labour and social protection, the trade union may have a different role.** In Norway, for example, there is an agreement on inclusive working life agreement, signed jointly with social partners. This covers issues related to sickness and health, increasing the retirement age and to make more jobs available for disabled employees.<sup>10</sup> In France, there is a fund for the occupational integration of persons with disabilities. Called Agefiph, this fund is governed by employers’ representatives, workers’ representatives, and the five national confederations of trade unions. It receives contributions from employers that did not comply with the quota for employment of disabled people, and delivers services and projects to support both employers and disabled persons.<sup>11</sup> In Germany, there is a quota for employment of “severely” disabled employees, and where a company employs five or more, the employees have a right to a representative ombudsman. This representative monitors, advises and assists the company and employees; as well as having the right to participate in all trade union meetings.<sup>12</sup>

Sometimes, this relationship between labour and social protection is the result of historical processes. **The post-Soviet countries offer particularly interesting examples** here. From the 1920s there were large non-government organizations representing the blind and deaf, designed around economic support and transfer into the labour force.<sup>13</sup> These and related structures mean that in present day post-Soviet countries there can be representation of disabled organizations in trade union confederations. In NSZZ Solidarnosc in Poland, there are two union structures representing disabled people: National Section of the Disabled and National Section of the Blind.<sup>14</sup> Likewise in Bulgaria and Tajikistan there is similar membership of disability or impairment specific union structures in the national confederations.<sup>15</sup> In some cases, these organizations represent workers with specific impairments employed in dedicated workshops.

**A wide range of examples from Latin America show the different responses from trade unions in environments where disability legislation, services, and employment issues are going through transition.** In some countries the research could not identify specific examples of action on this subject, but in other countries there was active involvement by trade unions in design and implementation of the law. National

federations in Uruguay and Colombia have been undertaking research and policy inputs. In Uruguay the national federation PIT-CNT has undertaken advocacy to propose new legislation on private sector employment of persons with disabilities.<sup>16</sup> Similarly, in Peru the national federation CATP made a report to the ILO raising concern about policy and implementation of disability and quota legislation.<sup>17</sup> In Argentina there have been a range of trade union actions, including programmes for professional development of persons with disabilities supported by UOCRA, the national union representing workers in the construction industry.<sup>18</sup>

In some areas in the region there is also considerable workplace and grassroots engagement from trade unions. This is the case in Uruguay, and seems to be also the case in Brazil. Brazil is an interesting case in that this research showed trade union work in different sectors and regions within the country, but it did not appear to be joined-up at a national level or to be necessarily learning from other unions in the country. This is symptomatic of a context in which disability structures and employment of disabled people are evolving and that trade unions are often individually discovering their own responses.

**Many of the emerging and developing countries in Asia and Africa have less established disability inclusion systems than countries in other continents.** Nonetheless, there is significant work by trade unions in some of these countries. East Africa offers an important example, with work in Uganda and Tanzania promoting employment for disabled people, legislative and union changes. This work is also important at a regional level, where it is being used to build capacity and inspire unions in other countries, and at an international level for demonstrating the relevance and possibility of trade union action in these contexts.

In Pakistan there has been engagement on national level by trade unions on disability. Vietnam also offers an interesting example where the Vietnam General Confederation of Labour (VGCL) has provided policy input on disability, but also provides vocational training for persons with disabilities.<sup>19</sup> However, these examples are not necessarily typical of their regions. We could not find equivalent work undertaken at the national level by trade unions in India or Indonesia, for example. In India there is even a report of persons with disabilities not being represented by trade unions.<sup>20</sup>

**Countries in the Middle East offer an interesting case where disability-inclusion is relevant in situations of crisis or post-crisis.** Trade unions from Iraq respond how they are collaborating with employers and training centres to promote employment of persons with disabilities. They are attempting to work towards achieving the quota of 2% employment of persons with disabilities.<sup>21</sup> Palestinian trade unions are also working towards inclusion of disabled people.<sup>22</sup> It is important to remember in this and other contexts that International Labour Recommendation 71 sets out the need for rehabilitation and employment of persons with disabilities in the transition from war to peace.

### **Global and Regional Actors**

Trade union work at the country-level is supported, and responds to actors both regionally and globally. The ILO itself sets an important lead with its labour standards and capacity building working. There are regional organizations of trade unions, and there are also global trade unions representing various sectors. As described in the Introduction, there is a gap between formal structures for trade unions and those for disability issues. This gap is somewhat reflected in work by these international actors being somewhat undeveloped on these issues.

**The ILO has international labour standards, research and programming involving trade unions and disability.** These initiatives, described in the introduction, are limited, however, especially in terms of recent research or tools and the programming. Furthermore, the training programmes in the ILO's International Training Centre do not include any training for trade unionists on disability issues.<sup>23</sup> ACTRAV field specialists were often aware of the importance of work on disability, but, before conducting this research, were mostly not aware of the extent of action taken by trade unions on disability in their regions.<sup>24</sup> ACTRAV's advice to trade unions, and its products and training programmes have not had disability issues systematically mainstreamed. Especially in circumstances when resources and capacity are limited, this makes it harder for trade unions to raise and develop work on disability without international guidance.

“For any ACTRAV training, programme, research, we need the people with disability angle.”

– Caroline Khamati Mugalla, Executive Secretary, East African Trade Union Confederation

**Some regional bodies are promoting exchange and developing regional positions.** In Europe, the European Trade Union Confederation worked jointly with the European Disability Federation to raise awareness and perform advocacy on disability and work. In East Africa, the East African Trade Union Confederation (EATUC) is supporting the building of capacity between different countries, discussed disability in its recent conference, and also provided input to legislation on these issues at a regional level.<sup>25</sup> Much of the work in East Africa has been supported by an Irish NGO, Disability Aid Abroad, which has over several years been an important example of how this type of work can be promoted internationally.

**Global unions are also important actors in work on disability.** For example, the global federation for skills and services, UNI Global, in its collective agreement with Carrefour, makes a joint commitment to strengthen recruitment, integration and professional development of persons with disabilities.<sup>26</sup> Global unions are also an important platform to better understand and trade union action. Public Services International distributed a survey among its affiliates that contributes in an important way to this research, and is actively supporting the growth of this topic. Other global unions also supported distribution of an ILO survey among their members. Education International adopted a resolution concerning both students and teachers with disabilities<sup>27</sup> and is currently undertaking research on education and disability issues. The first part of this research will be on how to support its affiliates in delivering education support for children with disabilities.<sup>28</sup> Before merging into a different structure, the International Confederation of Free Trade Unions produced a publication on the rights of disabled workers.

**These examples of actions from regional and global trade union organizations show the possible range of work in this area.** But they also show, in terms of the information we could collect, that global and regional support for trade unions on disability can be developed further. There is room both to reflect and support the substantial work that trade unions are undertaking on disability issues at national levels.

### **Types of unions and ways to work on disability**

The majority of trade unions featured in this research are representing workers in general, and not specifically workers with disabilities. Some are federations that represent workers

in specific areas; others focus on specific sectors or professions, such as construction, or local government, or education, or nursing. Some professions may be related to services provided to disabled people, such as a union of special needs teachers. Again, the range of work covered shows the relevance of disability across different industries and contexts.

**There are some trade unions designed specifically for disabled people.** The National League of the Blind, described in the Introduction, is an important historic example of what this type of union can describe. Some, like the League, represent workers with disabilities across quite different workplaces. Other unions might represent persons with disabilities where there is segregated employment. So, for example, this might happen where there are dedicated workshops for persons with disabilities to work. For example, the national union federation in the Netherlands, FNV, is a public services union that also represents approximately 15,000 disabled people working in segregated employment. They have their own collective bargaining arrangement and other services, such as professional development and pensions.<sup>29</sup>

**There are arguments for and against having trade unions dedicated to disabled workers.** On the one hand, trade unions for persons with disabilities may form because the rest of the labour movement is not including disability issues. In this case, a dedicated union provides a unique forum to raise these issues and potentially form the bridge with the larger labour movement. On the other hand, this can further isolate disabled people and their issues, making inclusion harder in mainstream trade unions, which have a wider range of resources and access. These questions proved to be beyond the scope of this research. They require further investigation, and potentially country-specific conclusions, based on disability and labour movements. It should be noted, however, that work on disability is based on ending segregation and discrimination, so in these terms the default assumption would be to take steps to include persons with disabilities in mainstream trade unions rather than to create separate unions dedicated to disabled workers.

**Trade unions take a range of actions to incorporate disability issues through their work.** We often use the word “mainstreaming” to describe the process of ensuring that each part of an organization’s work is responsive to and inclusive of persons with disabilities and disability issues. This can include a range of activities both inside and outside the trade union, and there are different approaches to be taken. Here are some that we identified:

- **Mobilization and representation of workers with disabilities.** Some trade unions have particular events, committees, or departments to address disability issues. Others take a different approach to make sure that disabled people are comfortable accessing and reaching different parts of the union and its activity. Both methods have had success. Disability champions are one method that can support this engagement between workers, workplace and union.
- **Extending and creating partnerships.** Understanding and addressing issues around disability often needs new or different engagement with stakeholders. These might be with employers themselves, or government agencies, or organizations working on disability. Many trade unions report on how disability has led them into new spaces, and doing things like celebrating international disability day has put them in touch with new people and organizations.
- **Changes within the trade union itself.** The trade union responsibility to not discriminate against persons with disability may need adaptations to processes such as how workers join the union. Many trade unions report on how they have adapted their basic activities – meetings, seminars, marches, manifestations – to

make sure they are inclusive of persons with disabilities. They do this through choosing accessible venues, providing sign-language interpretation and other adaptations. Some report on how this gradually becomes “instinctive” within the union.

- **Adjusting services and products.** In service-delivery sectors especially, trade unions may find that making these services inclusive of persons with disabilities is important. Unions of teachers are working towards making sure they provide better education to persons with disabilities. Unions play an important role here in addressing a socially important topic in a way that balances and mediates the potential burdens and difficulties of carrying it out. Another example like this is an association of nurses in Colombia that is contributing to both policies around rehabilitation and support for disabled people as well as supporting and protecting the nurses that provide care.<sup>30</sup>

**These steps to incorporate persons with disabilities and disability issues are a process.** Many trade unions report how after they started work on disability in one area they found its relevance to other areas of action. An important conclusion from this is the one that the concept of “mainstreaming” can overlook: the process of adapting actions to be inclusive is gradual and often built from the inside rather than imposed. It is through engaging disabled people that the relevance of the wider integration of disability issues becomes evident and important. These steps to take on disability issues need to use the same dynamic processes of representing and responding to workers’ interests that the trade union uses in any other area. This journey transforms people with disabilities, or action on disability, from being a special “add-on”, or “extra” component, to being integral through different sections of trade union activity.

#### **A closer look: public service trade unions**

Trade unions in the public sector have multiple roles to play in terms of disability. Like any other trade union, they have the role of including and representing persons with disabilities in the union activities. But being part of the public sector, they also have important roles in employment and service provision. The public sector is an important source of employment, often a role model for good conditions, and trade unions can act to make sure this is inclusive of persons with disabilities. The public sector also provides services in many areas – like education, health, or transport, for example – and trade unions are also playing a role in making these inclusive of persons with disabilities. Furthermore, in the role of defending the public sector there are many concerns that intersect with disability rights issues, such as privatization of public services. Public Services International, together with ILO, is working to develop further its members’ activities on disability rights.<sup>31</sup>

#### **The first steps on working on disability**

There are many ways that trade unions start to focus on disability issues. They include both bottom-up and top-down stimulations that initiate the work. Some examples identified through our research include:

- Responding to injuries of workers in the workplace or through their working lives.
- Family members of workers who have disabilities.

- National adoption of the CRPD, or national legislation. In many countries, trade unions are responding to quota legislation for employment of disabled people.
- Response to discrimination against disabled people in the workplace.
- Internal discussions of disability.
- Support from outside organizations such as training, awareness raising, etc.
- Health and safety issues.

Among these routes, a common entry point is health and safety issues, which are closely connected with other issues to do with disability. The entry points might be wider occupational safety and health concerns; prevention of injury; or response to disability, injury, or health-condition. These can lead to specific questions of safety of workers with disabilities. Beyond that, occupational safety and health concerns are related to accessibility of the workplace and adaptations for individual workers. Response to injury or disability could include reintegration of people into the workforce after injury or disability. Reintegration of workers with disabilities – sometimes called “disability management”, or “return-to-work” – can lead to broader consideration of accessibility and inclusion in the workplace for all.

As such, occupation health and safety issues are connecting many subjects, some to do with ensuring the rights of persons with disabilities and some concerned with other areas of decent work. From the perspective of rights of persons with disabilities, prevention of injury and disability is normally seen as an issue to be treated separately from that of rights and inclusion of workers with disabilities.

The different starting points for working on disability are also often accompanied by different understandings of disability. Some of the initial actions might be based around providing assistance or support. Others may be directly engaging with a rights’ based, empowerment perspective from the beginning. An important finding from the respondents is that many trade unions have evolved in their understanding and work on disability. As the process of incorporating disability into their work involves active engagement with disabled people and disability organizations, trade unions often develop their understanding and adapt their approach while they are working.

## **Achieving the decent work agenda**

Previous sections have described the range of trade union action on disability around the world, and the context for the ways that trade unions work on these issues. This section looks at the substantial work they are doing, and considers it in terms of its contribution to achieving decent work. In this section we discuss trade union action in terms of each of the pillars. When we consider the different areas of decent work, it is important to remember that they are inseparable and mutually supportive.<sup>32</sup> We also comment briefly on the risks of work that is not aligned with rights and empowerment of persons with disabilities.

**Trade union action on disability contributes to decent work in each of its four pillars.** There is promotion of employment inside and outside of the workplace for persons with disabilities. Disability itself provides a key dimension to engage on social protection and the relationship between that and work. New opportunities are presented for social dialogue both within the trade union and in the new partnerships it creates. Finally, trade unions are taking considerable actions on designing, supporting and

implementing standards related to disability and employment. In this section, we will look at each pillar of decent work and see how trade union work on disability is contributing to it. We also discuss the relevance of gender and other equality or diversity issues that cross through these actions.

**Trade union action often goes beyond decent work.** As indicated in the previous section, some trade unions work towards improving the services and products produced by their workplace, which is very relevant to disability, and includes but goes beyond just decent work for persons with disabilities. They may also be contributing more widely on achieving disability rights, outside of the workplace as well as inside it.

**Sometimes, however, trade union approaches may not be in line with achieving decent work for persons with disabilities.** Often this can be the result of the wider exclusion that persons with disabilities face in society. We set out some reasons for why this might happen, and then suggest some criteria to understand when it might be the case.

**The background of achieving decent work for persons with disabilities is very challenging.** Trade unions' difficulties here are not unique to unions themselves but are rather a symptom of wider challenges. People with disabilities face systematic exclusion from a range of areas in life, including education, transport and other social participation, even in their own families. This means they are often disadvantaged even before attempting to enter the workplace – where they often do not have the skills or professional experience that other candidates have. Surrounding these factors are attitudes that do not believe in the ability of persons with disabilities to work, or encourage them to pursue these options. These factors also often mean that trade unions' baseline understanding of disability may not initially be in line with achieving decent work for persons with disabilities.

**The risks of different approaches and starting points on disability include that of not promoting rights or empowerment of persons with disabilities.** Some of the starting points that trade unions take, in terms of assistance and support, are undertaken with the assumption that persons with disabilities cannot work or find productive employment. They may also be undertaken without consultation with or engagement of persons with disabilities themselves. These actions may be based on, or reproduce, ideas about the inability of disabled people, and not be in-line with either rights' based or decent work agendas. We suggest some questions to help identify whether trade union actions are contributing to a transformative decent work agenda or not:

- Are persons with disabilities involved in design and decision-making?
- Do these actions increase the capacity and opportunities of persons with disabilities and others to access decent work?
- Do the actions try to break stereotypes and limitations around the social and professional positions of persons with disabilities?

These questions are relevant for actions within the trade union, as well as any other intervention that might be made. When there are services that are potentially used by persons with disabilities, or in the case of direct social assistance, persons with disabilities should be involved as partners in the process and initiatives should be linked positively with the possibility of work in the present or future.

**These challenges show the important and transformative nature of the work described below.** All trade unions are in social contexts that limit in some way the opportunities of persons with disabilities. So in each of the following sections that describe



their contributions to decent work for persons with disabilities, it should also be kept in mind that trade unions are also contributing to social transformation around disability and the world of work.

### **Employment Promotion**

Trade unions promote employment of persons with disabilities by increasing the employability of disabled people and through directly engaging employers and other partners. These actions take place at the level of training programmes, job-placement, adjustments for individuals, accessible workplaces, improved legislation, and research around getting more person with disabilities into work. Cooperation in management and implementation of return-to-work programmes is an example where many of these dimensions come together.

In terms of training and preparation of persons with disabilities, we mentioned above VGCL in Vietnam, which is directly providing training for persons with disabilities. Vietnam has an ambitious policy on vocational training for persons with disabilities and the government supports the union in implementing it. In Argentina, UOCRA supports a social network that provides programmes of professional development for persons with disabilities. Often trade unions work in partnership to provide these programmes. Such is the case of unions in Iraq, which develop partnerships with vocational training centres.

Working with employers to promote employment of persons with disabilities often requires considerable advocacy. There are various methods to achieve this. Collective bargaining sometimes determines conditions and positive actions for recruitment and is discussed further in the section on social dialogue. Many unions are working in terms of quota legislation. In countries where there is a quota for employment for persons with disabilities, unions may encourage or remind employers on the responsibilities of the quota. Some unions also perform advocacy for developing further legislation, or research to demonstrate ways to fulfil it.

As well as the many forums for advocacy and awareness raising, there are also different ways of approaching the messaging around employment promotion. One approach is to appeal the moral or social conscience of employers to employ persons with disabilities. This might be called a “charity” approach and not be convincing in terms of the productivity these workers can offer. Appeals to legal and rights frameworks are essential, but might not be, by themselves effective. There is also a way of arguing for inclusion of persons with disabilities in the terms of business itself. This “business case” sees the talent and untapped potential that persons with disabilities offer, and puts this in terms that the employer uses to make other business decisions. This approach also has the benefit of developing a cooperative, rather than adversarial, relation between trade unions and employers.

Adjustments in the workplace can be made through trade unions advocating for individual employees, or through wider changes to accessibility and inclusion. In the United Kingdom, the Trades Union Congress has developed advice and guidance on disability in the workplace, as well as cross-cutting issues, such as good practices in workplace mental health. The Norwegian example, where an inclusive agreement on working life covers reducing sickness and increasing the retirement age shows how working on disability can also be tied into making the workplace better for all employees. Other unions are supporting employers in identifying and recruiting persons with disabilities.

### **Working together to get disabled people into jobs in Tanzania**

An interesting example from Tanzania is from work conducted jointly between the Trade Union for Industrial and Commercial Workers (TUICO) and CCBRT, a disability organization. The initial activity that they jointly conducted was a survey on private sector employment of persons with disabilities. TUICO gave the disability organization unique access to the employers in question, enabling them to survey over 10,000 workers that were TUICO members. This access to employers, and raising the issue during the survey, led to employer demand to hire persons with disabilities. CCBRT was able to provide the capacity to then link disabled people, and this has so far resulted in over 150 persons with disabilities being employed.<sup>33</sup> This example shows how mediation of trade unions and contributions from different actors can result in good outcomes for all stakeholders involved.

**Return-to-work programmes are an important example of trade unions' role in employment promotion.** In some cases trade unions are supporting injured workers returning to work on an ad-hoc basis. In other contexts, these have become more formalized. In Canada, for instance, Enhanced Disability Management Programmes offer a model of partnership between employers and trade unions.<sup>34</sup> Likewise, in Malaysia, trade unions are involved in policy, design, and implementation of the return-to-work programme. Important to note is that these inputs from trade unions include case management and advising/supporting individual workers.<sup>35</sup> Trade unions' advantage is that they can support both adaptations in the workplace at an individual worker level as well as the wider policy requirements. Their role in return-to-work programmes for injured workers also shows the scope of intervention they could be making for recruitment of workers with disabilities, from individual changes to influence of employers and policy.

### **Social Protection**

Disability, work, and social protection have a complex interaction in all countries. The very fact of trade unions promoting employment of persons with disabilities provides an important direction, shifting away from the idea that persons with disabilities are incapable of productive work.

Some trade unions are providing social protection or assistance themselves. This might be in gifts or assistance to workers that acquire disabilities, or supports to workers that have family members with disabilities. In some countries, trade unions are directly engaging with government policy around benefits and support for persons with disabilities.

### **Social protection from a rights-based perspective in the UK**

The Trades Union Congress (TUC) in the UK has campaigned against recent government changes on disability. Its *Manifesto for Disability Equality*, as well as observations on employment and decent work, also makes claims related to social protection. These include demands for properly funded support for independent living, resourced health service provision for disabled people, and reform of disability assessment schemes. This example shows how trade union intervention on social protection can be made alongside affirmation of the right to work and improvements in the workplace. Importantly, the TUC manifesto was made with its disabled members,

recognises the social model of disability and affirms the rights-based approach enshrined in the CRPD.<sup>36</sup>

Social protection in different contexts also involves formalization of the informal sector. The EATUC is making sure that persons with disabilities are included in its work on this subject. Disabled people are included in exchange visits and seminars. This brings out the particular vulnerabilities and concerns they have, as opposed to workers in the informal sector without disabilities.<sup>37</sup>

### **Social Dialogue**

One of the most transformative elements of work on disability is the social dialogue that it creates both inside and externally to trade unions. Inside trade unions, the renewed engagement of workers with disabilities shows different perspectives and empowers workers who find their voice through this. This process will often give trade unions considerably new perspectives on a range of issues at the heart of what they do. Methods for engaging workers with disabilities that are already members of trade unions, or who might become members, are described partially in the section on types of unions and ways to work on disability.

Outside of trade unions there are considerable opportunities for partnerships with new stakeholders, and for different approaches for relationships with existing partners. The range of partnerships reported by trade unions working on disability issues is extensive, and demonstrates the social relevance of this issue. Partners include:

- Government and government agencies. Including agencies of labour and national commissions on disability.
- Employers and employer organizations.
- Other actors: Training organizations, schools, the judiciary, commercial institutions.
- Disability experts and disability organizations.

### **“When we think about disability and work, we involve everyone”**

The Union of Metallurgists in Osasco and Region, in the state of São Paulo in Brazil, has developed an advanced network of partners working on disability issues. Disability is an issue that “allows the union to speak with everyone”, and to get “beyond the door of the factory”. Using a perspective of network-building the union formed partnerships with government agencies, employers, civil society, disabled people and disability experts, as well as commercial institutions. This approach allowed them to discover “possibilities in the community” and address social issues relevant for the society more widely as well as in the workplace. Disability was also an issue in which stakeholders would be more likely to receive and cooperate with the union. This does not mean though that they were shy about advocating for their rights. They have done research on employment of persons with disabilities in order to demonstrate to employers, judiciary and government the facts around employment of disabled people. Their work has contributed to more than achieving the quota for employment of persons with disabilities.<sup>38</sup>

### **An important component of formalizing social dialogue is collective bargaining.**

This is one of the main tools used by trade unions across the world. Collective agreements may specify strategic principles, such as prevention of non-discrimination of persons with disabilities, or promoting further employment of persons with disabilities. Collective agreements may also offer specific requirements in the phase of recruitment, employment, and/or return to work of persons with disabilities. Often they will make explicit or reiterate existing legal or policy conditions on employment of persons with disabilities. Trade unions have been able to include disability in collective bargaining agreements in many countries, in contexts as diverse as Argentina, Canada and Uganda.

One example of the possible results from inclusion of disability in collective bargaining is in France. There are a series of collective agreements with hypermarkets and supermarkets that include clauses on disability and have contributed to increased employment of persons with disabilities in these sectors.<sup>39</sup> There is another side of collective agreements, however, that was highlighted as a potential risk for employment of persons with disabilities. These agreements specify job duties, hours, shifts and other details about work arrangements. The fact that these are specified could, potentially, limit the desire or ability of employers to engage employees who have requirements for adaptations.<sup>40</sup>

The full exploration of how these collective bargaining agreements are used, and affect disability issues proved to be beyond the scope of this research. There is a particularly useful discussion of their application in the United States by Carrier Basas which illustrates how they can promote different models of thinking about and responding to disability.<sup>41</sup> Recent research by ILO has considered examples from the public service, highlighting in particular the Argentinian Civil Service agreement, which facilitates recruitment of disabled candidates and promotes affirmative actions for integration in the workplace.<sup>42</sup> In Spain, Fundación Largo Caballero has reviewed the impact on collective bargaining on workers with disabilities. The review recommends that collective bargaining be used to increase the numbers of disabled workers in mainstream employment, develop employers' policies and plans on disability and concretely implement non-discrimination.<sup>43</sup>

### **Standards and rights at work**

As has been demonstrated above, trade unions are playing an active and vital role in persons with disabilities achieving their rights in the workplace. Even though the CRPD, as the international legislation on disability, does not mention the role of trade unions, they are actively involved at national levels in contributing to legislation. Trade unions in Albania, Bulgaria, Canada, Czech Republic, Guyana, Kenya, Iraq, Oman, Palestine, Peru, and Uruguay all report inputting to design or implementation on national legislation around disability.<sup>44</sup> As mentioned above, the PIT-CNT in Uruguay has developed and proposed legislation around employment of persons with disabilities in the private sector. The Canadian Labour Congress (CLC) advocated for a human rights framework and social justice approach in their substantial input to the government consultation on new legislation on disability.<sup>45</sup>

Trade unions are also playing an active role in implementing improved standards and working conditions in the workplace and for individual workers. Many are contributing to ensuring increased accessibility in the workplace, or measures for inclusion of workers with disabilities. At a worker-by-worker level as well, unions have a role in making sure that persons with disabilities have the conditions and adaptations that they need. As we saw above, health and safety issues, or responding to acquired disabilities, are also common ways that trade unions intervene and start their work on disability issues.

There is an important role too in monitoring labour legislation and standards. Importantly, they are actively using Convention 159 and its submissions to the Committee of Experts on the Application of Conventions and Recommendations to do so.

### **Trade union submissions in 2015 on the Convention for Vocational Rehabilitation and Employment**

A review of the Committee of Experts on the Application of Conventions and Recommendations observations and requests on Convention 159 in 2015 shows 51 observations and direct requests. Of these 15, or nearly 30%, reference input made by trade unions. Trade Unions across the world are using this Convention as a way to report on the situation of workers with disabilities and the effectiveness of government programmes and policies. Selected trade union inputs include:

- **Colombia** – trade unions raise the need to change registration systems for disabled people, and comment on the lack of commitment from employers. They say the government should engage trade unions on this issue (as per the Convention) and highlight the progress made in vocational training of persons with disabilities.
- **Finland** – trade unions highlight that persons with disabilities do not have equal opportunities for equal employment. They suggest improvements to systems of vocational rehabilitation.
- **Japan** – trade unions comment on the lack of fulfilment of the quota system for employment of persons with disabilities. They propose a minimum wage for persons with disabilities be secured, employment support programmes expanded and vocational rehabilitation programmes be enhanced.
- **Pakistan** – the trade union calls for further statistical information on the employment of persons with disabilities.<sup>46</sup>

This brief review of trade union inputs show that they often go beyond the specific mandate of the Convention and touch on wider issues around the employment of persons with disabilities.

### **Gender and equality**

The relationship between promoting gender and disability inclusion has much in common in theory, albeit in practice they are not always aligned. Gender and equality concerns necessarily crosscut through the actions for achieving decent work and the other ways that trade unions work on disability issues. Conversely, disability issues also crosscut through efforts taken to promote gender diversity.

Some trade unions have been able to integrate these issues. The Canadian Union of Public Employees (CUPE) has addressed disability and its relationship to other identity groups, including in women's issues. Taking the lead on these intersections, they developed a position on the National Women's Committee for a person with disability.<sup>47</sup> In the UK, the National Association of Schoolmasters Union of Women Teachers (NASUWT) – The Teacher's Union, makes a commitment to equality, and through this its equality audits include disability equality.<sup>48</sup> Taking an intersectional viewpoint means seeing persons with disabilities not just as persons with disabilities but in terms of their other identities as well: whether in terms of gender, age, socioeconomic status or other characteristic.<sup>49</sup>

However, the majority of unions do not highlight specific measures for women with disabilities, or how disability, gender and other platforms do or do not interact. It is partly the fault of this research for not exploring this relationship further, but the lack of information in this regard suggests that most actions on disability have not been made gender sensitive. This is a considerable risk for work on disability in that it may, without meaning to, perpetuate exclusion of women with disabilities. At the same time, there was also no indication that work on disability was being promoted by efforts to make trade unions more gender sensitive. If this is the case, it represents a significant missed opportunity from both sides. Further work is needed to identify how to promote wider inclusion and equality agendas as CUPE and NASUWT are doing.

## Challenges and Opportunities

None of the actions described above are easy. Trade unions face considerable challenges in the environment around disability and work, in changing their own union and bringing about changes in the workplace and beyond. However, the fact of disability being a complex, multidimensional issue also offers opportunities. It gives trade unions an opportunity to provide much-needed input on a subject relevant across different interest groups, and to take the lead on pursuing social change. As this section will show, each area of challenge offers opportunities for work, and trade unions report positive changes to their union after having taken on work on disability.

### Challenges and responses to them

Working on disability faces a range of serious challenges in the area of the work itself as well as the wider contexts. At the same time, the possible responses of trade unions to these issues show that working towards disability is a path to modernisation of the trade union by engaging with contemporary social issues, expanding membership and wider partnerships.

**Understanding of disability issues, how they apply to work, and the role of the trade unions.** In many contexts around the world disability is often not clearly understood as a social issue, and even less understood as something that relates to work. Not only do trade unions have to have a sense of social and rights' based understandings of disability, but they have to be aware of how this applies to the workplace and what role they themselves might take. This includes knowledge around the CRPD, labour standards and national legislation and policies. Specialists in this area – disabled people, and organizations working on disability – may also not be aware of the role that trade unions can play, or how they could meaningfully engage with them.

- ⇒ The process of understanding disability is a gradual one, and involves engaging disabled people and organizations working on disability.
- ⇒ The more that actors can raise awareness on disability rights, how they apply to the workplace and what trade unions can do, the more trade unions will be willing and able to take meaningful action.
- ⇒ The more trade unions are engaged in understanding disability issues, the more they will be able to adjust their actions to be in line with rights frameworks and promoting decent work for persons with disabilities.
- ⇒ There is an opportunity to develop jointly with employers a “win-win” approach for employment of persons with disabilities.

**Disability is not a priority issue.** This challenge was raised both by trade unions and by specialists on workers' organizations. Trade unions in many contexts face an urgent context of survival, or of securing fundamental rights for the workers they represent.

- ⇒ Often action on disability has been dismissed before it has been understood. How can an organization know if it is a priority issue if they have not engaged workers with disabilities, or seen what opportunities there are for work?
- ⇒ The more resources and capacity that there are available on disability the more it can feature in trade union priorities, which are also responsive to practical opportunities.
- ⇒ Working on disability is a way to demonstrate the relevance of trade unions to workers, the community and partner organizations. It also offers the possibility of a different type of relation with employers.

**Trade union work on disability is often disconnected and there is little institutional support or capacity to develop it.** Even in countries where many trade unions are working on disability, they may not be connected and sharing on how they do it. This is exacerbated at the international level through a more profound disconnection between the labour movement and the disability sector.

- ⇒ Connecting and sharing knowledge on these issues offers trade unions a chance to distinguish themselves.
- ⇒ Creating partnerships to address these challenges is an opportunity to develop cooperative relationships with employers through collective bargaining agreements and with many other stakeholders through civil engagement.
- ⇒ International actors in both workers' rights and disability have an opportunity to capitalize on country-level work by disseminating it further.

**Working on disability moves trade unions away from class-based issues to identity-based issues.** A discussion of trade union actions in the UK has raised how identity-based challenges like gender, disability, or ethnicity can be hard for trade unions to raise because they have been used to class, or occupation-based identities.<sup>50</sup> One example of this potential risk is collective bargaining agreements that specify work duties in a way that makes individual adjustments difficult is an example of where this could raise a difficulty. These things can make it challenging to raise seemingly "individual" issues around disability or other identity groups.

- ⇒ Addressing disability gives the trade union an opportunity to move away from the traditional trade-union subject of the non-disabled man working full-time.
- ⇒ Adopting an intersectional viewpoint understands and tackles the way multiple discriminations interact and compound each other.

### **Working on disability changes trade unions**

Through this report we have reiterated the way that working on disability offers benefits not just for persons with disabilities but for other workers and the trade unions themselves. The responses we received from trade unions on how working on disability had changed their union speak for themselves:

“The inclusion of persons with disabilities in our Social Network has not just enabled the personal and professional development of this group, but also was important for the heart of our organization, in letting us share and develop in a

more comprehensive and inclusive way. The path that we have been taking also lets us integrate ourselves in the community as an inclusive organization.”  
Union Obrera de la Construcción de la Republic Argentina.<sup>51</sup>

“It gave a regional visibility to our trade union. It showed we weren’t just there with a discourse, but had research, knowledge and partners. Now people can work with the union.”  
Sindicato dos Metalúrgicos de Osasco e Região, Brazil.<sup>52</sup>

“There is a change in the paradigms for inclusion of persons with different capacities in work and social environments.”  
Asociación Nacional de Enfermeras de Colombia.<sup>53</sup>

“There is indisputably a wider appreciation and sensitization in relation to employment of the disabled, which has channelled down through our union officers and into companies where we represent workers.”  
Bustamente Industrial Trade Union, Jamaica.<sup>54</sup>

“Since our trade union started working on issues of disability, the fraternity of the people living with disabilities and the general members of public have viewed, and are viewing trade unions as champions of social justice.”  
Central Organization of Trade Unions, Kenya.<sup>55</sup>

“When there are disabled people in the trade union, the social climate improves, and the enterprise improves as well.”  
Jose M<sup>a</sup> Fernández de Villalta, specialist, Spain.<sup>56</sup>

“The presence of this element among other components offers a strong message to the world: aligned to the values of justice, equality and non-discrimination between people of any background.”  
Palestine General Federation of Trade Unions.<sup>57</sup>

“Working on disabled workers brings change in our trade union. Because [it leads to] trust level of workers towards the trade union.”  
Pakistan National Textile Leather Garments & General Workers Federation.<sup>58</sup>

“Looking at [persons with disabilities] made PSLINK look at the forms and origins of discrimination deeply.”  
Public Services Labour Independent Confederation, Philippines.<sup>59</sup>

## Going Forward

### Conclusions

Our research highlights substantial and extensive engagement by trade unions on disability issues, in a range of contexts. It illustrates both the initiatives that have been taken and the opportunity for developing further activities in this area in the future. As such, the findings present us, in international organizations and in the ILO in particular, with a challenge and an opportunity going forward. Our challenge is how to respond to and support further trade union action in these areas. And the opportunity is clear – there is an extensive base of work that is on-going, and a range of examples to build upon.



For trade unions, this research demonstrates the importance of disability issues. It shows how other trade unions have used work on disability to better respond to workers, improve the workplace, and increase their own relevance as workers' organizations. The examples collected here also show the range of activities that are possible on disability issues, and some of the ways to achieve them. Some potential pitfalls and challenges in this work have also been addressed, as well as ways to avoid them, or develop through them. The journey continues.

For the disability sector, at both international and national levels, this research shows the extent of opportunity that engaging with workers' organizations provides. There is an essential affinity between the two sectors, in terms of mobilization and missions for social justice. And there is a considerable range of opportunity for partnerships and collaboration that should be further explored.

Work that trade unions are undertaking on disability shows a pathway towards achieving decent work and social justice for all. Extending and continuing this work is an essential part of the work of trade unions of the future.

### **Recommendations**

This report raises a series of questions and opportunities for trade unions. For those that are not working on disability issues, it asks about the workers that they are not representing, and what opportunities there are to include them as active members and to form partnerships on these issues. For trade unions that are working on disability issues, it raises the question of whether their activities are promoting decent work for persons with disabilities, and has hopefully highlighted areas that they could consider extending into. For federations of trade unions, there is the question in how to support and guide their members in tackling these questions.

For global and regional actors working on employment, rights and disability issues there is also a large field of action to expand into. Issues around disability and work need to be more widely raised and better understood in terms of how workers' organizations can act on them. Workers' organizations need to be given meaningful support to be able to take further action in this area. Coalitions at international and regional levels need to reflect those formed and doing so much at national levels. And, finally, there are questions that remain for further research.

#### **Raising awareness and deepening understanding.**

- Global and regional-level sharing of the results of this research.
- Raising awareness on disability, work, and the role of trade unions.
- Deeper assessment of trade union actions on disability at regional and national levels.
- Develop guidance, multimedia and other resources.

#### **Supporting workers' organizations.**

- Identification of financial and human resources that trade unions need to better tackle disability, and where they can be obtained.
- Provide checklists for trade unions to assess their actions and opportunity for action on disability issues.

- Develop a range of tools and trainings to guide trade unions on how they can start and develop work on disability.
- Incorporate disability issues within other guidance and services provided by ILO to workers' organizations.
- Develop synergies with other areas of trade union activities. Activities on gender and non discrimination in workers' organizations are particularly relevant.

**Forming coalitions and new ways forward.**

- Develop a bridge between the international standards on disability and labour. In the medium-term there needs to be a discussion around the current relevance of Convention 159 .
- Provide forums for trade unions to exchange and learn from each other.
- Facilitate cooperation on disability between trade unions and employers.
- Facilitate partnership between trade unions and disability organizations.

**Questions for future research.**

- What are the lessons-learned from trade unions that target only disabled people?
- What are the results of disability clauses in collective bargaining agreements, and what are the best practices?
- What are the factors behind sustainability and effectiveness of trade union actions on disability?
- What is the experience of disability organizations with trade unions, and how can further partnerships be developed?
- How do gender, disability and other inclusion or equality issues intersect, and what are future opportunities?

## **Appendix: Labour Standards and Disability**

The eight fundamental Conventions all cover the rights of workers with disabilities as well as any other workers. Convention 111, concerning Discrimination in Respect of Employment and Occupation, is particularly relevant.<sup>60</sup> Outside of the fundamental Conventions, Convention 159, is on Vocational Rehabilitation and Employment for Disabled Persons. From 1983, this Convention sets out principles and actions for vocational rehabilitation and employment policies for disabled persons. Importantly for our area of concern, it ensures the consultation of representative organizations of employers, workers, and disabled people themselves.<sup>61</sup> Furthermore, and particularly relevant for some of the countries highlighted in this study, International Labour Recommendation 71, on Employment (Transition from War to Peace), has an explicit paragraph on the obligation to provide opportunities for persons with disabilities in employment and rehabilitation.

From the perspective of international work on disability, ILO Convention 159, and the accompanying Recommendation 168, are important in making the role of workers' organizations explicit.

From the perspective of international work on labour rights, the role of organizations representing persons with disabilities is also not always clear. So Convention 159 is also important in guaranteeing their role in formulation of programmes and policies that affect employment of persons with disabilities.

Further discussion of these relations is beyond the scope of this document, and deserves further analysis.

## Appendix: List of survey responses

This is a list of survey responses to a long-form survey distributed among its affiliates by PSI, as well as a shorter survey distributed widely by ILO and its partners, including BWI and EI.

- Albania - KSSH
- Argentina - UEJN
- Argentina - UOCRA
- Bangladesh - BCWF
- Belgium - CGSP
- Brasil - Siticom
- Brasil MG - STICM
- Brasil Paraná - FETRACONSPAR
- Brazil SP - SINDPRES
- Bulgaria - CITUB
- Bulgaria - overview
- Burkina Faso - UNS
- Cameroon - Entente
- Canada - CUPE
- Canada - NUPGE
- Chile - Inacesa
- Colombia - ANEC
- Colombia - Singtragyplac
- Czech Republic - health care and social service
- Czech Republic - TUSBI
- El Salvador - SOICSCES
- France - FNME
- Gabon - COSYGA
- Guinea - Conacry
- Guyana - CCWU
- Iraq - GFTTU
- Iraq - GFWCUI
- Jamaica - BITU
- Japan – JICHIRO and SHOROREN
- Kenya - COTU
- Kenya - KUSNET
- Lebanon - FENASOL
- Montenegro - CTU
- Netherlands - AOB
- Netherlands - FNV
- Nicaragua - Trabajadores Universitarios
- Niger - USTN
- Nigeria - AUPCTRE
- Norway - UEN
- Oman - GFOTU
- Pakistan - PNTLGGWF

- Pakistan - PTGLWF
- Palestine - PGFTU
- Panama - Suntracs
- Philippines – PSLINK
- Singapore - NTUC
- UK - NASUWT
- UK - TUC
- UK – UNISON
- USA - AFSCME

## Appendix: References

- <sup>1</sup> *Blind Workers Against Charity*, Matthias Reis, Palgrave Macmillan 2015.  
“National League of Blind and Disabled”, <http://www.wcml.org.uk/our-collections/working-lives/national-league-of-the-blind-and-disabled/> (accessed September 2016).
- <sup>2</sup> *Convention on the Rights of Persons with Disabilities*, Article 27.
- <sup>3</sup> *World Report on Disability*, World Bank and World Health Organization, 2011.
- <sup>4</sup> “Moving Towards Disability Inclusion, Case Story: Thailand”, International Labour Office, 2011.
- <sup>5</sup> *Trade union action: Integrating disabled persons into working life*, Labour Education 1998/4, No. 113.  
*Trade unions and workers with disabilities: Promoting decent work, combating discrimination*, Labour Education 2004/4, No. 137.  
*Trade Unions and Decent Work for People with Disabilities: Information Sheet*, ILO Regional Office for Asia and the Pacific, 2011.
- <sup>6</sup> *Disability Inclusion Strategy and Action Plan 2014-2017*, International Labour Office, 2015.
- <sup>7</sup> The methodology of this research is more fully detailed in accompanying Inception Report.
- <sup>8</sup> National Union of Public and General Employees response to PSI/ILO survey, 2016.
- <sup>9</sup> See, for example, the disability resources offered by the Trades Union Congress in the UK. <https://www.tuc.org.uk/equality-issues/disability-issues/resources> (accessed September 2016).
- <sup>10</sup> “Inclusive workplaces: Norway’s tripartite agreement”, Lene Olsen, in Labour Education 2004/4, No. 137.
- <sup>11</sup> See agefiph website <https://www.agefiph.fr/> (accessed September 2016) and also “France Improves Protection for People with Disabilities” in Labour Education 2004/4 No. 137.
- <sup>12</sup> “Disability Law in Germany: An Overview of Employment, Education and Access Rights” by Martin Kock.
- <sup>13</sup> “Heroes and spongers” by Elena Iarskaia-Smirnova and Pavel Romanov, in *Disability in Eastern Europe and the Former Soviet Union*, 2014.
- <sup>14</sup> Correspondence, Dzial Zagraniczny, Solidarnosc, 2014.
- <sup>15</sup> Confederation of Independent Unions in Bulgaria (CITUB) survey response to ILO (2016).  
Interview with Federation of Independent Trade Unions of Tajikistan (FNPT), 2015.
- <sup>16</sup> Interview with Martín Nieves, PIT-CNT, 2016.
- <sup>17</sup> [Observation CEACR](#) adopted 2015, published 2016 on Convention 159, Peru.
- <sup>18</sup> Survey response to ILO, 2016.
- <sup>19</sup> Interview with Vietnam General Confederation of Labour, 2015.
- <sup>20</sup> *Employment of Persons with Disabilities in India: Base-line report*, Diversity and Equal Opportunity Centre, 2009.
- <sup>21</sup> General Federation of Iraq Trade Unions, survey response to ILO, 2016.  
General Trade Union Federation of Iraqi Workers, survey response to ILO, 2016.
- <sup>22</sup> Palestinian General Federation of Trade Unions, survey response to ILO, 2016.
- <sup>23</sup> Interview with Henry Cunningham, ITC, ILO, 2016.

- 
- <sup>24</sup> Interviews and correspondence with ACTRAV specialists, 2016.
- <sup>25</sup> Interview with Khamati Mugalla, East African Trade Union Confederation, 2016.
- <sup>26</sup> Correspondence with Mathilde Tabary, Carrefour.
- <sup>27</sup> “The Rights of Disabled Children and Teachers”, Resolution 3.2, 7<sup>th</sup> Education International World Congress Meeting, Canada, 2015.
- <sup>28</sup> Interview with Rebeca Sevilla and Nikola Wachter, 2016.
- <sup>29</sup> FNV response to PSI/ILO Survey, 2016.
- <sup>30</sup> Asociación Nacional de Enfermeras de Colombia (ANEC) response to ILO Survey 2016.
- <sup>31</sup> PSI/ILO Conference: “The Role of Public Service Trade Unions in achieving Decent Work for Persons with Disabilities”, 8<sup>th</sup>/9<sup>th</sup> December, 2016 Geneva, Switzerland.
- <sup>32</sup> *ILO Declaration on Social Justice for a Fair Globalization*, adopted by the International Labour Conference, 2008.
- <sup>33</sup> *Employment of Persons with Disabilities in the Private Sector*, brief from CCBRT in collaboration with TUICO and Radar Development.
- Interview with Fredrick Msigallah, CCBRT, 2016.
- <sup>34</sup> For example, in British Columbia’s health care system. Correspondence with Wolfgang Zimmermann, 2016.
- <sup>35</sup> *SOCSO Return to Work Programme in Malaysia, A Handbook*, SOCSO Malaysia, 2012.
- <sup>36</sup> *A Manifesto for Disability Equality*, Trades Union Congress UK, 2015.
- <sup>37</sup> Interview with Khamati Mugalla, East African Trade Union Confederation, 2016.
- <sup>38</sup> Interview with Carlos Aparício Clemente, Sindicato dos Metalúrgicos de Osasco e Região, 2016.
- <sup>39</sup> Correspondence with Mathilde Tabary, Carrefour.
- <sup>40</sup> Interview with Cameron Crawford, 2016.
- <sup>41</sup> C. Griffin Basas: “A Collective Good: Disability Diversity as a Value in Public Sector – Collective Bargaining Agreements”, in *St. John’s Law Review*, Vol. 87, No. 793 (2013).
- <sup>42</sup> *Promoting Constructive Approaches to Labour Relations in the Public Service: Examples from Collective Agreements*, International Labour Organization, 2015.
- <sup>43</sup> *Impacto de la negociación colectiva sobre los trabajadores y trabajadoras con discapacidad*, Fundación Largo Caballero, 2012.
- <sup>44</sup> The majority of these examples come from responses to ILO and ILO/PSI surveys in 2016.
- <sup>45</sup> “Submission by the Canadian Labour Congress, Consultation - Accessibility Legislation for Canadians with Disabilities” February 2017.
- <sup>46</sup> These can be found on the *NORMLEX Information System on International Labour Standards*.
- <sup>47</sup> CUPE response to PSI/ILO survey, 2016.
- <sup>48</sup> NASUWT response to ILO survey, 2016.
- <sup>49</sup> Presentation by Phyllis Opoku-Gyimah, Public and Commercial Services Union UK, at ILO/PSI conference, December 2016.
- <sup>50</sup> “Self-organise and Survive: disabled people in the British trade union movement”, Jill Humphrey, *Disability and Society*, 13/4, 1998.
- <sup>51</sup> Survey response to ILO, 2016; translated from Spanish.
- <sup>52</sup> Interview, 2016; translated from Portuguese.
- <sup>53</sup> Survey response to ILO, 2016; translated from Spanish.

- 
- <sup>54</sup> Survey response to ILO, 2016.
- <sup>55</sup> Survey response to ILO, 2016.
- <sup>56</sup> Interview, 2016.
- <sup>57</sup> Survey response to ILO, 2016; translated from Arabic.
- <sup>58</sup> Survey response to ILO, 2016.
- <sup>59</sup> Survey response to ILO, 2016.
- <sup>60</sup> C111, Discrimination (Employment and Occupation) Convention, 1958.
- <sup>61</sup> C159, Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983.