



Trade Unions Promoting Decent Work for Persons with Disabilities



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International Labour Organization

Feature Stories



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The Provincial Electricity Authority



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Many people with disabilities in Thailand remain unemployed: of the 46 million working age population 900,000 (2%) are people with disabilities and 64.8 percent of this population are either unemployed or inactive.

*"The ILO estimated that, in 2007, the exclusion of people with disabilities from Thailand's labour market costs the country US\$ 1.42 billion or 0.7 per cent of national GDP" **

**Note: The price of exclusion: The economic consequences of excluding people with disabilities from the world of work, Sebastian Buckup, 2009, Geneva*

Introduction

There are many ways in which trade unions can promote rights and opportunities for disabled workers in workplaces around the world. One important way is to recruit, organize and integrate them into the movement, making it clear that each individual disabled worker is as important as any other member, with as much right to have his or her voice heard. In addition, unions can campaign and negotiate on behalf of persons with disabilities, to ensure that employers not only comply with legislation but also take positive steps to offer equal opportunities and full job satisfaction for disabled staff. Unions can also play a vital role in raising awareness about the working capacity and rights of persons with disabilities among employers and co-workers.

In Thailand, the International Labour Organization (ILO)/Irish Aid Project “Promoting the Employability and Employment of People with Disabilities through Effective Legislation” (PEPDEL) works with four workers’ organizations* representing approximately 450,000 workers in different sectors. Arising from PEPDEL, training and knowledge sharing, a pool of disability focal points has been created in the unions capable of promoting a more inclusive approach to disability in the workplace. ILO tools and standards can be used to improve the quality of interventions and to highlight examples of good practice on disability inclusion.

This brochure features three stories of Thai trade unions taking action on issues related to disability in the world of work. Building on these, it looks at ways in which the impact of the action could be strengthened. In many ways, these stories are representative of ‘first steps’ towards full inclusion. They should not be viewed as ‘models of good practice’ but rather as examples of actions which will help to change attitudes and opinions about the working capacity of disabled persons.

**Note: 1) Labour Congress of Thailand (LCT); 2) Thai Trade Union Congress (TTUC); 3) State Enterprises Workers’ Relations Confederation (SERC); and 4) National Congress Private Industrial of Employees (NCPE).*

‘PEPDEL’

Promoting the Employability and Employment of People with Disabilities through Effective Legislation, or PEPDEL, examines disability-related training and employment laws and policies and aims to promote their effective implementation. In Thailand, the Project supports government, organizations of employers, workers and persons with disabilities in promoting equal employment and training opportunities for disabled persons.

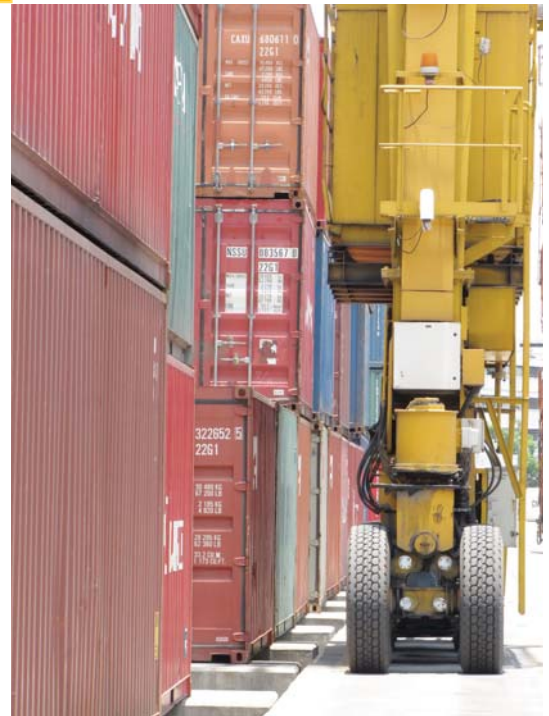
For more information, see http://www.ilo.org/asia/whatwedo/projects/lang--en/WCMS_112558/index.htm

Managing Disability in the Workplace

The Port Authority of Thailand Workers' Union (PATWU)

Like many other workers starting out in their careers, Jittakorn Kampon was ambitious and eager to move to a more prestigious and better-paying position. In 1986, he started working as a security guard at the Port Authority of Thailand (PAT), a state-owned enterprise. Over the years, he quickly advanced by applying for and receiving appointments to higher positions within the PAT. In 2006, he became a Cargo Operations Officer. One of his responsibilities involved walking through the small corridors between the giant cargo holding areas to record the numbers of containers arriving at the port. It was during this job, two years later, that his life changed suddenly when, walking backwards out of a small corridor, a crane knocked him down and drove over his legs. As a result of the accident, Jittakorn had to have both of his legs amputated.

He spent over two months in the hospital where, following surgery, he underwent rehabilitation therapy and counseling. Gradually, through self-encouragement and support of his wife, colleagues and the trade union, Jittakorn started on the road to recovery and was ready to move forward.



The Rubber Tyred Gantry Crane at the PAT



Jittakorn demonstrated how he exercises

Trade union negotiates for increased compensation and return to work

The transition back to the real world, however, was not as easy as Jittakorn thought. On the home front, he faced difficulties in getting into his PAT furnished apartment which was located on the 4th floor of a building that had no ramps or elevators. To make matters worse, his apartment was not accessible which made moving around difficult. Unaccustomed to using his heavy wheelchair or prosthetic legs, he depended on his wife for assistance, which meant that he could not move around freely.

At work, his employer - the PAT - provided Jittakorn with workers' compensation benefits as required by law and PAT regulations and as proposed by the Labour Relations and Safety Department. This included: full salary during his sick leave; disability compensation in the amount of 9,000 baht or US\$ 279 per month for 15 years (1,620,000 baht or US\$ 50,155 in total); 500,000 baht or US\$ 15,480 grant-in-aid; 80,000 baht or US\$ 2,477 for the prosthetic legs; and, free hospital treatments as well as rehabilitation therapy for the rest of his life.



Paweena Sitthipulthong, an active member of the Trade Union's committee

But in the Port Authority of Thailand Workers' Union's (PATWU) view, this compensation was not sufficient. As a result, Mr. Somkiat Rodchareon, on behalf of PATWU and representing Jittakorn, reopened negotiations with the board of the PAT at a meeting organized by the Labour Relation and Safety Department. The negotiations resulted in several positive outcomes. First, an improvement in Jittakorn's rehabilitation package, including reimbursement for the full cost of the prosthetic legs, which was not covered under the original compensation benefits package, and an extra 500,000 baht on merit. Second, job and workplace adaptations so that Jittakorn could return to work. The trade union was also instrumental in finding Jittakorn a position at the Welfare Department, where he would assume responsibility for handling documents. Conveniently, the job was located in the same building as Jittakorn's apartment. On the home front, PATWU pushed for reasonable accommodation, requesting that Jittakorn's apartment be changed from the 4th to 1st floor. Lastly, it asked the building department to build ramps, hand rails in the toilets and equipment to support Jittakorn while wearing his artificial legs. All costs for modifications were borne by the PAT.



Sivaras Chulaprapasornnyuth, the officer of the Labour Relations and Safety Department, who oversees the case.



The ramp at the PAT serviced apartment



Jittakorn's new workplace, the Welfare Department

Despite the help received from the PAT and the trade union, Jittakorn still faces many challenges. "I do not really know what people at work think of me but I feel like I am their burden", he explains. "I do not get to do much at work and I feel bored. I want to feel value in me and want to work at my fullest capability." Today, Jittakorn focuses on improving his physical abilities so that he can gain greater independence, and on increasing his employment opportunities.

What can trade unions do to address negative attitudes in the workplace?

Stereotypes and prejudices regarding disabled persons are sometimes the highest barriers disabled people face. In the workplace, trade unions can play a central role in influencing attitudes and opinions of other workers through sensitization events, informational materials and working with management to include disabled persons.

PATWU's involvement in Jittakorn's case is a good start to trade unions representing disabled workers' claims to rights and benefits. PATWU's efforts also open opportunities to raise awareness of disability in the workplace. Union capacity building on disability was strengthened by Disability Equality Training (DET), organized by PEPDEL. This has encouraged trade unions in Thailand to engage in the issue of disability and to want to do more for disabled workers. As a result of training, Ms. Paveena Sittipoolthong, an active member of the PATWU committee, now feels more confident about promoting the issue of disability in the workplace. She was inspired by the DET to follow-up on Jittakorn's case and was also responsible for communicating its details to the ILO. Such initiatives and achievements of the PATWU and the ILO help contribute to the advancement of the trade unions' roles in negotiating with employers and the government on managing disability in the workplace, public policies, regulations and laws to promote decent work for people with disability.

What is DET?

Disability Equality Training, or DET, explores the concept of people being disabled by society's barriers and attitudes, highlighting the role of the organisation in the removal of those barriers and in the changing of attitudes.



First row from left: Paweena (PATWU), Jittakorn

Second row from left: Buapun, Emanuela (ILO)

Focus on: 'Hot-line' electricians from the Provincial Electricity Authority

Human error, insufficient promotion of occupational health and safety, and lack of job skills and hazards training can render workers disabled. Individuals who work on high voltage, live electricity lines, also known as 'hot-line' electricians, are exposed to more serious hazards and the possibility of becoming disabled due to the nature of their work.

The Provincial Electricity Authority (PEA), a state enterprise in Thailand, is mandated to distribute electricity to the general public in provincial areas. It employs 27,000 employees among whom are 'hot-line' electricians who have experienced electrical accidents. Over the years, the organization has gradually learned how to reduce or prevent accidents and how to manage disability in the enterprise.

The following stories feature three 'hot-line' electricians - Nitikorn, Wasan and Pairat - who had experienced electrical accidents while working and became disabled. Interventions of the Labour Union of the Provincial Electricity Authority (LUPEA), which is the affiliate of the State Enterprises Labour Relations Confederation (SERC), played an important role in advocating for these workers' rights and in securing their return to work.

'Nitikorn Kesphrom'

While working with high-voltage transmission lines, Nitikorn was electrocuted, and the middle finger of his left hand had to be amputated. Before the accident, studying at the university was not his priority. However, after he became disabled, he felt the immediate need to challenge and improve himself and to demonstrate his abilities to others. He then applied for a scholarship from the PEA to pursue a bachelor's degree in engineering but was rejected as he did not meet the three-year minimum employment requirement with the PEA. Parisuth, who is Nitikorn's supervisor and an active member of LUPEA, suggested to Nitikorn that he become a member of the trade union to obtain representation on this issue. Following Nitikorn's becoming a member, the trade union negotiated the matter with the scholarship committee on his behalf, which allowed Nitikorn to re-apply. The scholarship, which includes payment of full salary during the study period, was subsequently granted to Nitikorn. Nitikorn's efforts and ambition have allowed him to graduate with a bachelor's degree in engineering from Suranaree University of Technology and to obtain a master's degree from the Faculty of Engineering from Chulalongkorn University - one of the most prestigious universities in Thailand.



"LUPEA is very strong and has high bargaining power that a worker does not have. It has a prominent role in fighting for workers' rights and workers can rely on the trade union whenever there is injustice", says Nitikorn

After graduation, Nitikorn, entered a job competition with other PEA workers for an engineering position to advance his career. His ambition is fulfilled once the employer offered him the post and his salary was raised. He is now working as an engineer in the Academic Division, Standard and Safety Department, and is responsible for overseeing 'hot-line' operations. His work includes ordering equipment which meets safety standards, inspection of equipment, work process planning, electrical accidents inspection and the drafting of preventive measures. He mentions that the work was difficult at first but that he has made adjustments to the way he works on a task which, in the end, produces results. Nitikorn is admired and respected by his supervisor and colleagues around him. Currently, he holds the post of Vice-Chief of the subdivision and is expecting a promotion.



Wasan Janha, using a chair to support his prosthetic arms

‘Wasan Janha’

Wasan was working from his bucket truck attempting to fix an electricity wire in Lampoon, a province in the north of Thailand, on the day he had his accident. The platform of the truck was wet due to rain and caused Wasan to slip. His hand touched high-voltage power lines during the fall. He was pulled unconscious from his bucket truck and brought to the hospital where a decision was made to amputate both his arms. He spent the next eight months in the hospital undergoing intensive physical rehabilitation so that he could learn to use his prosthetic arms. During training, he practiced for several hours by operating a computer and found it very interesting.

When Wasan returned to work, he was assigned to the Standard and Safety Department. His supervisor did not know which job assignment to give him so he allowed Wasan to spend time practicing on the computer. To further advance his skills, Wasan enrolled in several computer training courses provided by the PEA covering many areas, including basic Windows training, graphic design and website creation. After training, Wasan's supervisor, who is a trade union member, acknowledged his ability and started assigning him computer-related tasks. Currently, his day-to-day work assignments involve designing website, brochures, curriculum and materials for the hazards-prevention training courses, which enables Wasan to apply the new computer and graphic design skills acquired. Switching from being an electrician to computer technician has allowed Wasan to discover another area in which he excels; he is very motivated by his new job.

Job Analysis

To identify jobs an individual disabled worker can perform, it is important to analyze the tasks and duties that the individual will undertake and compare these with their capabilities. In this way, individuals can be matched to appropriate jobs.

"I think that it is very important that trade unions and employers help disabled workers return to work and identify new jobs which are suitable so that they succeed at work and have possibilities to advance their career, like I did."

A challenge he now faces is learning how to reduce muscle fatigue from using his prosthetic arms while working on the computer. Wasan has had discussions with his employer on making reasonable adjustments to address his symptoms and limitations. One inexpensive adjustment, which might serve as a solution, may involve the use of a chair to support Wasan's arms while typing.

Wasan is highly respected by his colleagues and, whenever someone in the department has problems with their computer, they turn to Wasan for advice.

Reasonable Accommodations

Making reasonable adjustments in the workplace refers to measures or actions taken by employers to help disabled persons work or to take part in training on the same basis as non-disabled workers. Most workers with disabilities require no special adjustments and the cost for those who do is minimal or much lower than many employers believe.

‘Pairat Chaosamthong’

Pairat was no longer able to work as a ‘hot-line’ electrician after he was electrocuted by a high-voltage transmission line from behind, resulting in both legs being amputated. He was devastated by the accident. Wasan, who had lost both of his arms due to electrocution and was now back at work, encouraged Pairat by sharing his own experience as a recent amputee.

“Losing two arms is worse than losing two legs, but I survived and, with some adjustments, I am now working happily,” says Wasan “I know Pairat will survive too,” he adds.



At first, Pairat did not know about the rules and regulations concerning disability compensation benefits, that is, until a member of LUPEA visited him at the hospital and explained everything. LUPEA then took over Pairat's case and processed all the claims - compensation, medical costs and the cost for the prosthetic legs - on his behalf. Pairat is now working as an administrator in the Standard and Safety Department drafting letters, distributing work assignments to workers within the division, and uploading information on ‘hot-line’ training courses on the PEA website. He is satisfied with the job as well as the Department's environment.



First row: Sawai
Second row from left: Parisuth, Wasan, Nitikorn, Pairat



Mr. Suwit Smansotivong, Deputy Governor (Engineering Business) and a member of Labour Relations Committee

Sawai, the Director of PEA's Standard and Safety Department, is one who believes in the abilities of people with disabilities and has always been supportive. "I used to work at the Ministry of Labour so I know the importance of employing people with disabilities and fully support it. If we can identify their interests, provide them with suitable training courses and appropriate jobs, they can be excellent workers," he says. Sawai has been working with disabled workers before and after their accidents and witnessed that many workers become more diligent and improve their performance after their accidents.

Parisuth, the chief of the subdivision, also plays a role in supporting disabled workers. He is both Nitikorn's and Wasan's supervisor, in addition to being a trade union member who negotiates with the employer when disabled workers encounter problems. According to Nitikorn, Parisuth is 'like his brother' who provides him with both personal and career advice.

Other employees in the Department, who are used to working with disabled persons, also play a role in fostering an inclusive and cooperative environment where disabled persons feel that they can make a positive contribution. They also understand that people with disabilities may need some assistance to be on a par with non-disabled workers.

"I have never experienced any discrimination, on the contrary, my colleagues help me with eating and getting to and from the restroom," says Wasan.

"Everyone here is like a brother or a sister. We all know that disability can happen to anyone of us, and we are ready to support one another," adds Nitikorn.

The Experience of Thai Nylon Co., Ltd.



Photo 1: A woman, who is hearing impaired, arranges the net for steaming

The Thai Nylon Co., Ltd. is an example of companies that have made efforts to include people with disabilities in their workplaces. Established more than fifty years ago, the Thai Nylon Co. is among the first fishing nets production factories in Thailand, supplying fishing nets to world markets. The company used to be very large, but shifts in client preferences for European fish nets resulted in a decline in the company's production and manufacturing operations. Currently, it employs some 250 workers engaged in netting, coloring, arranging nets for steaming processes, preparing and packaging, and administrative services. In years past, the company employed four hearing impaired workers to carry out specific tasks in its warehouse, but for a variety of reasons only one hearing impaired woman remains. (See photo 1).

Over the last few months, members of the Thai Trade Union Congress (TTUC), active in the Thai Nylon Co., have been trained by the ILO on ways to promote more and better work opportunities for persons with disabilities. As a result of the training, workers' representatives recently took part in an "accessibility audit" on the factory premises. Accessibility audits help employers and workers evaluate whether their workplace is accessible for people with disabilities. Common barriers to accessibility faced by disabled people can include physical inaccessibility, for example, no provisions for wheelchairs; staff's lack of understanding of the needs of disabled colleagues; lack of organizational policies and procedures for accessibility; and, negative perceptions of disability. A Thai disability advocacy organization was commissioned to survey and assess the factory.



Photo 2: Discussions with the managers

During the first session of the audit, the employer and the disability advocacy team discussed the employment situation of people with disabilities. The employer provided an overview on the current situation of the company and their future trends, while the team expressed the main objectives of the audit. Subsequently, the team explained the draft Ministerial Regulation on the new quota system - *both public and private organizations are mandated to hire one disabled person for every 100 employees* - and reviewed tax incentives to encourage the recruitment of disabled workers. (See photo 2). Afterwards, they assessed the accessibility of the factory's warehouse - the only unit employing persons with disabilities. After walking through the factory, the team identified several disabling factors such as uneven floors, entrances to the restrooms, and the lack of ramps. On a positive note, they also found that the factory management expressed positive attitudes towards hiring more disabled workers. According to Ms. Wilaiwan Phalika, forewoman, committee member of labour union and vice president of TTUC, co-workers' attitudes towards people with disabilities and their abilities to perform on the job have improved over the years.

"When the disability law came into force in 2007*, we had hired people with disabilities and thought that maybe they wouldn't be able to perform the job as well as non-disabled persons, but after we had given them a try, we found that they can work like anyone else," she said.

**Note: Persons with Disabilities' Quality of Life Promotion Act B.E. 2550 (2007), Thailand*

The accessibility audit is a successful starting point towards active relations between the employer and the workers' representatives to promote a positive, inclusive workplace environment. It further demonstrates how one company is beginning to rethink the possibility of employing people with disabilities, and that discriminatory attitudes are gradually changing. Given Thai Nylon's experience in employing workers with disabilities, the accessibility audit is a great tool to aid employers and workers representatives in learning that, with minor adjustments to a work environment, disabled workers can perform like any other worker. Together, employer and workers' representatives are beginning to see the untapped potential of disabled workers and forging pathways towards more, inclusive employment.



Photo 3, Assessing and surveying the factory



Photo 4, Final discussion and future steps

Relevant ILO Tools

Managing disability in the workplace, ILO Code of Practice. (2002). Available in English and Thai. http://www.ilo.org/skills/what/pubs/lang--en/docName--WCMS_103324/index.htm

O'Reilly (2007) The Right to Decent Work of Persons with Disabilities, ILO Geneva. Also available in Thai.

Achieving equal employment opportunities for people with disabilities through legislation, ILO Geneva 2007. Also available in Thai.

Heron (2005) Job and Work Analysis. Guidelines on Identifying Jobs for Persons with Disabilities. ILO Skills and Employability Department

Videos

Trade Unions (2008): From Rights to Reality. Trade unions promoting decent work for people with disabilities: Available in English and Thai. http://www.ilo.org/skills/info/public/vid/lang--en/docName--WCMS_106277/index.htm

Employers (2002): Ability Thailand. Hiring people with disabilities – employer perspectives. Available in Thai

See <http://www.ilo.org/disability> for further ILO publications on persons with disabilities.

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