



Guide to Inclusive and Accessible Trade Unions

European Disability Forum Position Paper
By Haydn Hammersley | April 2021

**Making Trade Unions and Collective Bargaining
accessible to and inclusive of persons with disabilities**



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Introduction

The European Disability Forum

The European Disability Forum is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

Executive Summary

When we look at the issues faced by persons with disabilities in employment, we see not only issues in accessing the open labour market but also in relation to the quality of employment. This is particularly the case for women with disabilities who are more likely first of all to be unemployed, but also to be working part time, with precarious working contracts and salaries below minimum wage.

Meaningful involvement in inclusive Trade Unions is one of the key ways to address the issue of poor quality employment. In order for the needs of workers with disabilities to be taken into account in collective agreements, it is crucial that Trade Unions facilitate the full and meaningful involvement of persons with disabilities.

This guide therefore seeks to do three things:

- 1) Outline what we understand as quality employment for persons with disabilities in line with the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and what protection is provided by EU legislation;
- 2) Explain the practical steps Trade Unions can take to improve accessibility and facilitate the meaningful involvement of persons with disabilities;
- 3) Present the principles that should be upheld during collective bargaining to ensure solidarity with workers with disabilities.

What the CRPD says about employment

The United Nations Convention on the Right of Persons with Disabilities (CRPD) has been signed and ratified by the European Union and all of its Member States. Article 27 of the Convention covers work and

employment. The Article states that States Parties must **“ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others”**.

Article 27 also outlines a number of obligations on States Parties in order to foster quality employment for persons with disabilities in an inclusive, open labour market. Below is an overview of what the CRPD says about employment, and what we believe needs to be done to correctly implement these principles.

Fair wages, reasonable working conditions and flexible working arrangements

Article 27 point 1.b explains that States Parties must **“Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances”**

As we see it, workers with disabilities, no matter where they are employed, should be guaranteed the status of “employee”, and thus entitled to all the rights attached to this status in their country.

This means a guarantee of minimum wage in countries where this exists, or a wage equivalent to that generally received in their sector of work in countries without laws on minimum wage.

It also means entitlement to paid annual leave, sick leave, educational leave, unemployment benefits and all other social protection mechanisms, as well as the right to exercise trade union rights, again in line with the national norm.

Adequate income for persons with disabilities requires more than ensuring the respect of national or sectoral minimum wage policies. The extra cost of living for persons with disabilities, because of the need to pay out-of-pocket to compensate for inaccessible structures, is such that a salary alone is rarely enough to bring a person with disabilities out of poverty.

As such, the concept of “reasonable remuneration” needs to take into account the way salaries are compatible with social welfare systems. States Parties should allow persons with disabilities to retain entitlement to disability allowance when in employment, to compensate for the extra cost of living. Improving one’s quality of life by taking up paid

employment should not be penalised by loss of support mechanisms and disability “benefits”.

Reasonable accommodation

Article 27 point 1.i explains that States Parties must **“Ensure that reasonable accommodation is provided to persons with disabilities in the workplace”**

The provision of reasonable accommodation, which is to say adaptations to the workplace, should be driven by the requirements of the person with disabilities and not the preferences of the employer.

Reasonable accommodation should comprise options for flexible working arrangements, as well as support or adjustments to the workplace in line with the person’s needs.

Support should also be given for the provision of workplace assistance, mentoring and coaching if the employee with disabilities requires this. Furthermore, it should take into consideration the need for some employees to work in closed office spaces as opposed to open-plan settings because of sensory issues.

States Parties to the Convention should foresee financial support in the form of grants to help businesses make necessary adjustments to the workplace and/or purchase assistive devices and technology or employ support workers/interpreters/personal assistants when needed.

Employers should be encouraged to be flexible with working arrangements for employees with disabilities to facilitate entry into an inclusive labour market and reduce barriers.

This flexibility should be at the request of the employee and not imposed upon them. For example, an employee might request to work remotely. However remote/online working should never be imposed on an employee with disabilities as an alternative to making the workplace accessible.

Career advancement in the open labour market

Article 27 point 1.d explains that States Parties must **“Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training.”**

Article 27 point 1.j explains that States Parties must **“Promote the acquisition by persons with disabilities of work experience in the open labour market.”**

States Parties must ensure the entitlement to career progression for workers with disabilities. Particular effort must be made to ensure that training programmes are made accessible for persons with disabilities, and that workers are free from discrimination when it comes to promotions and pay-scale progression.

Safe and healthy working conditions

Article 27 point 1.a explains that States Parties must **“Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions.”**

Article 27 point 1.b explains that States Parties must **“Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances”.**

States parties must make it an obligation for employers to ensure the health and safety of persons with disabilities in the workplace.

This will require taking measures to make emergency evacuation procedures accessible and usable by all staff, in a way that leaves nobody behind and puts no person at disproportionate risk because of their disability.

It should also require the accessibility of warning and alarm systems for emergencies and prioritise evacuations that can be done autonomously to the greatest extent possible.

Ensuring health and safety also means making sure reasonable accommodation is available so that tasks can be carried out by the person with disabilities without requiring excessive strain that could result in health issues or injury.

EU Legislation on employment for persons with disabilities

EU Directive for Equal Treatment in Employment

EU Directive ([Council Directive 2000/78/EC](#)) establishes a general framework for equal treatment in employment, vocational guidance and training. It underlines that there shall be no direct or indirect discrimination whatsoever on the grounds of disability, age, sexual orientation or religion. It also further clarifies that **“indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons having a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage compared with other persons [...]”**.

Article 5 states that reasonable accommodation shall be provided in order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities. The article clarifies this by underlining that **“employers shall take appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer”**.

Article 7 on “Positive Action” states that **“[with] regard to disabled persons, the principle of equal treatment shall be without prejudice to the right of Member States to maintain or adopt provisions on the protection of health and safety at work or to measures aimed at creating or maintaining provisions or facilities for safeguarding or promoting their integration into the working environment”**.

Reasonable accommodation

Reasonable accommodation is any change to a job, the work environment, or the way things are usually done that allows a person with a disability to apply for a job, perform in their role, or enjoy equal access to benefits available to other individuals in the workplace. Reasonable accommodation should always be linked to the particular needs of the person with a disability.

Examples are:

- Flexible working hours, schedule or the possibility to work remotely when requested

- Flexible recruitment procedures and interview processes
- Ensuring that a workplace is accessible and safe for all persons with disabilities (this typically involves making sure the built environment does not impede access, navigation or indeed evacuation of a person with disability, but also involves ensuring signs and instructions are usable by all, to name but a few examples)
- Providing a person with a disability with assistive devices and technology that enable them to carry out their tasks. The [World Health Organisation's List of Priority Assistive Products](#) defines a number of essential items that could be required depending on the person's specific needs, among them, but not exclusively:
 - Screen readers
 - Screen magnification programmes
 - Refreshable Braille display and Braille writing equipment
 - Hearing aids with Bluetooth connectivity
 - Speech recognition software
 - Special mouse types and keyboards
 - Video communication devices
 - Video remote Interpreters
 - Eye tracking devices for operating a computer
 - Visual fire alarms and adapted doorbells
- Job mentoring and support, and of course personal assistance to workers with higher support needs, including sign language interpreters.

How Trade Unions can become more inclusive and accessible

Trade Unions can improve accessibility and involvement of workers with disabilities by:

1. Running outreach programmes to encourage workers with disabilities to get involved and to feed into the work of the Trade Union in question by providing information and insight into the requirements of workers with disabilities;
2. Ensuring accessible communication about how to get involved in Trade Unions, according to the requirements of the person with a

disability, offering options for communication in Braille, sign language and/or easy-to-read information if needed;

3. Ensuring that meetings and dialogues take place in physically accessible spaces and that support for accessible forms of communication is provided as requested during these meetings;
4. Welcoming the involvement of organisations of persons with disabilities to offer wider inputs on requirements of workers with disabilities.

How to run accessible Trade Union meetings

If possible, try to visit the venue of the meeting in advance (and ideally ask for an expert check in house or through a local disability organisation) to check the accessibility of premises and anticipate possible problems.

Here are the things you should look for:

- Stairs and Ramps
 - The entrance should not have stairs, and if it does, there should be a lift or ramp as an alternative.
 - Make sure the ramp is not too steep (tolerated slope is 5%, min. acceptable ramp width 90cm).
 - All ramps and stairs/steps need to have handrails.
- Doors
 - Doors should be at least 85 cm wide.
 - Sliding doors should be at least 110 cm width
 - Make sure there are normal entrance doors in addition to any revolving doors, as these are not accessible.
- Toilets
 - Ensure that the building where the meeting is taking place has a designated accessible toilet for persons with disabilities.
- Lifts
 - If the meeting is not taking place on the ground floor, the meeting venue must have a lift that is large enough to easily accommodate a person in a wheelchair.

Meeting Rooms

- Meeting room with no steps, ramps if necessary.

- Ramps and stairs with handrails.
- If there is a podium, a ramp or a wheelchair lift needs to be installed if one of the speakers is a wheelchair user
 - Ramp: 5% slope, 90 cm min width
- If an induction loop for hard of hearing people is installed, make sure it is working.
- Avoid thick carpets if possible, since it makes it more difficult to circulate in wheelchairs.
- Avoid tripping hazards such as loose cables or personal belongings in the aisles.
- Make sure the thresholds of a door are not too high since it is hard for wheelchair users to navigate.
 - A possible solution can be to place a mat or a temporary threshold ramp to smoothen the access.
- Clear signs can help people navigating the space.
 - Clearly indicate where to find the (disabled) toilets, refreshments, and exits in clear and simple language.
 - Black writing with font Arial is best for readability.
 - The signs should have pictograms too.
- Seating:
 - Make sure there are spaces for wheelchair users. They must be flat and near the escape routes.
 - There must be space in between rows and in the aisles to circulate with a wheelchair.
 - Deaf or hard of hearing persons need an unobstructed view of the sign language interpreter.
 - Classroom style seating is the preferred option to allow use of assistive devices and computers/tablets to access electronic documents.

Documents

- Send meeting documents and practical details in advance, mentioning:
 - Venue of the meeting (mention the accessible entrance when this one differs from the principal entrance)
 - Address of the meeting venue
 - Telephone number of the organisers
 - Transport information (public transport schedules, adapted transport schedules/contact details)
 - Location of reserved parking places
 - Type of electricity outlets/plugs (in case adapters are needed)
- Prepare spare copies in Braille, large print, and in accessible electronic format (if requested by a participant).
- If there is a change of programme on short notice, you can ask local blind persons' organisation or library to print the updated document if needed.

Some specific guidelines depending on individual requirements

People with reduced mobility

- Make sure beforehand that the corridors and the meeting room are free from obstructions and well lit.
- Be at the main entrance on time and offer help to open the doors and to get over the steps.
- Be informed about the location of accessible toilets and what the evacuation procedures are in the event of an emergency.
- Only push a person in a wheelchair if you have the person's permission and, if so, avoid sudden or quick manoeuvres.

People with visual impairments

- Always speak first. Introduce yourself and other persons clearly, explaining where they are in relation to the person.
- Say the person's name when you start a conversation so that he or she knows that you are talking to him or her.
- Before shaking hands, let the person know that you are about to do so.
- Always advise the person that you are leaving, so that he or she is not left talking to an empty space.
- If the person wants you to assist him or her in getting around, guide rather than lead. Ask the person how he or she would prefer to be guided (e.g. by the elbow, shoulder, etc.). Let him or her know when you are approaching steps or obstacles. Try to make sure in advance that the corridors and the meeting room are free from any obstacles.
- Be ready to give a brief description of the 'geography' (shape, size and windows) and contents (furniture and people) of a room. Warn a blind person about possible dangers in a new environment, for example, very hot radiators. To help a person to sit down, just place his/her hand on the back of the chair.
- Explain where the toilets can be found or show the way if necessary.

People with hearing impairments

- Find out how the person prefers to communicate – signing, lip reading or captioning
 - In case of captioning with a screen, make sure that the screen is big enough and that people who need it can easily see it.
 - Sign language interpreters should be in front of the people they interpret for or well visible to them.

- If the person prefers lip reading, face him or her (make sure he/she is looking at you) and speak in a normal, clear and steady way.
- Do not shout or exaggerate your mouth movements, but use your facial expressions to emphasise your meanings.
- Make sure your face is in the light and do not put your hands in front of your mouth.
- Be ready to repeat yourself or rephrase a sentence if necessary. Some words are more difficult to interpret and so it may be useful to try different words.
- Keep distractions such as background noise to a minimum (avoid background music in the hall and in the conference room during breaks)

People with intellectual disabilities

- Avoid lengthy written instructions or plans and diagrams on paper.
- If possible, accompany the person to where he/she has to go.
- Write down your name and telephone number for the person.
- For completing forms, check if the person needs assistance. more than reading and writing, there might be an issue of understanding.
- If a Trade Union represents a number of linguistic communities, provide forms in multiple languages, since many people with intellectual disabilities do not speak foreign languages.
- Try to break down complex information into chunks and keep language simple and logical.
- Keep distractions such as background noise to a minimum.
- Give the person time to react and reply.
- Speak to the person in a normal, natural way.
- Don't take offence at unusual attitudes or reactions of the person.
- Explain where the toilets can be found.

People with speech impairments

- Be patient, give them the time to speak, and let them finish their sentences before replying.
- If you do not understand, do not pretend to, but tell them that you haven't and ask them to repeat.

People with psychosocial disabilities

- Psychosocial disabilities, or mental health issues, as it more commonly known, are invisible and can affect anyone.
- These people may sometimes experience difficulties coping with daily life and the tasks and interactions it brings. Meetings can be a source of stress and can trigger panic, distress, or claustrophobia.

- Some people may feel more comfortable being accompanied by a friend, family member or assistant for emotional support. People with mental ill-health should also be able to bring a personal assistant. As for many persons with disabilities, this can make things a lot easier. Just because somebody is physically able to travel alone, does not mean he or she feels comfortable doing it.
- If the person is distressed, respond to him/her in a calm and polite way – try to see the person and not just the problem.
- If a person mentions that he/she has a psychosocial disability, take it seriously and treat the person with respect. It may be difficult for them to open up about it.
- If the person mentions that he/she has a psychosocial disability or is experiencing mental ill-health, take it seriously and treat the person with respect. It might be difficult for them to open up about it, if they would like to do so. At the same time, some people might prefer not to share their experiences and should not be forced to do so.
- Offer assistance if the person seems confused, overwhelmed or distressed.
- Calmly answer any questions the person might have; the information may be important to reassure him/her.
- Alcohol can be a sensitive topic for many people. Make sure there are alternatives – free of charge – alcohol is served, or avoid alcohol completely.

Note: Each person is different and cannot be categorised. The explanations above are for guidance only, please check with the participant directly what he/she needs or prefers.

The principles we expect Trade Unions to uphold in the collective bargaining process

Trade Unions can mainstream and internalise the interests and viewpoints of workers with disabilities in their work in the following ways:

1. Negotiations on working conditions and remuneration need to take into account that special regimes might be required to serve the interests of workers with disabilities (such as flexible working hours, the right to reasonable accommodation, access to social protection schemes that cover costs incurred because of lack of accessible

services, what is considered adequate pay in light of the cost of living of persons with disabilities);

2. The disability perspective should be taken into account during discussions around health and safety in the workplace, including adjustments to protect the health and wellbeing of employees, and provisions for emergency evacuations of workplaces;
3. Solidarity should be shown between workers with and without disabilities. Negotiations at the level of Trade Unions should not be considered complete if the requirements of workers with disabilities are not reflected in agreements, and disability-specific requirements should never be used as trade-offs to facilitate an agreement with an employer/sector/government;
4. Trade Unions should work towards generating working conditions and a work environment that will enable more employees with disabilities to take up work in the future. They can be the driving force that shifts paradigms and creates work setting that are ready and to welcome persons with disabilities and to adequately respond to their individual requirements.

Document credits

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