UNISON Aberdeenshire

Stewards' guide
Supporting Disabled Members

(This is only a guide and only includes key points. Check with a branch officer if you need further advice.)

Why this is important?

- It is estimated that 12% of people in work have a disability
- Therefore up 200,000 of our members are likely to be disabled

Stop think – remember, in UNISON we only use the SOCIAL MODEL of disability

- The problem is societal or environmental ie the disabled person is not the disability
- Don't presume anything - this is key
- Do not second guess. Just because someone is disabled that may not be their issue
- Ask open ended questions

When meeting a member

- The absolute worst thing is to have a laptop between you as this build barriers (even if it is easier for typing up notes)
- Meet in a safe and accessible place - i.e quiet and physically accessible but where neither party feels awkward. If possible, ask the member where they would prefer to meet
- Don't automatically think their issue is about disability discrimination or related to their disability
- Check out if the person has communication difficulties and find out what would help them communicate with you. For example they may wish to bring a friend or colleague. Or they may need a BSL interpreter or a keyboard or to communicate in writing.
- If meeting a member virtually there is more to consider and first check if they are comfortable with a virtual meeting or if a phone call is more suitable.

There can be indirect and direct discrimination

- Direct discrimination. Where a disabled person is treated less favourably than others because of disability.
- Indirect discrimination. Where a provision, criterion, or practice disadvantages disabled people who have disclosed a disability and there is no objective justification for this ie the employer cannot give an acceptable reasonable explanation as to why the disabled person has been disadvantaged.
- Harassment. Where a disabled person suffers unwanted conduct related to disability that has the purpose or effect of violating the disabled person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment.
- Victimisation. Where a disabled person suffers a detriment because they have made, or intend to make, a complaint relating to the Equality Act 2010 (such a disability discrimination) in good faith.

Rights under the Equalities Act for Disabled Employees

- Protection from 'something arising from a disability'
- Employers do have a duty to provide reasonable adjustment

Don't judge

- Don't expect a physical disability – it is more likely not to be an evident disability
- Just because you have experience of one disability don't make assumptions. Everyone experiences their disability differently
- The member may not know themselves that they come under the Equalities Act as having a disability. For example, the member may refer to being ill due to an illness and not even realise it is a classed as a disability if it has gone on for longer than a year.

What you need to know

- As a steward you should know the impact of the member's disability before representing them in a meeting - this is important so you can be prepared to fully represent them.
- Remember that the employer won't necessarily know about the member's disability - this is key factor, as until the employer is made aware, they aren't legally required to consider reasonable adjustments unless the disability is obvious
- If the member declares their disability the employer has a legal obligation to provide reasonable adjustments
- Be reasonable as members' expectations may be high - the steward must be realistic and not promise everything. The member won't get paid to do nothing, so the reasonable adjustments must realistically enable them to do their job
- Know all the relevant policies and have these at hand as it is not always obvious what you might need.

Helpful policies and procedures

Below are the key Aberdeenshire Council procedures that you should be aware of when supporting a disabled member

Attendance Management	**https://arcadialite.aberdeenshire.gov.uk/attendance-management/**
Disability Leave	**https://arcadialite.aberdeenshire.gov.uk/wp-content/uploads/2011/05/DLSProcedure.pdf**
Reasonable adjustments	**http://arcadialite.aberdeenshire.gov.uk/wp-content/uploads/HR/occhealthhowtoreasonableadjustments.pdf**
Special Leave	**https://arcadialite.aberdeenshire.gov.uk/wp-content/uploads/2011/11/SLProcedure.pdf**