

ADDRESSING DISABILITY DISADVANTAGE IN THE LABOUR MARKET

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- *Disabled people face significant disadvantage in the labour market, and in particular a disability employment gap approaching 30 percentage points.*
- *While most government policy has focused on disabled people's job-seeking activity and incentives to work, greater focus is required on encouraging employers to remove the barriers disabled people encounter in the workplace.*
- *Government can encourage greater employer engagement with the disability employment agenda by: introducing mandatory disability employment and pay gap reporting; prioritising disability employment metrics within the Disability Confident assessment criteria and in social value criteria within government contract award decisions; and supporting trade union efforts to assist disabled employees.*
- *Support for these measures is widespread, as demonstrated by the many employers and organisations that have signed the Disability Employment Charter.*

Introduction

Disabled people encounter multiple forms of disadvantage in the labour market. This includes a disability employment gap in 2021 of 28.4 percentage points (with 52.7 per cent of disabled people of working age being in work compared with 81 per cent of non-disabled people).¹ Disabled people also encounter significant pay disadvantage, with Trades Union Congress analysis of Labour Force Survey data estimating a disability pay gap of 16.5 per cent in 2020/21 (with median pay for disabled employees being £1.90 per hour lower than for non-disabled employees).² In addition, disabled people report poorer in-work experience than non-disabled people in relation to work-related contentment, job satisfaction, work-life balance, and fairness perceptions.³ Given that 1 in 5 of the working-age population are disabled (increasing to nearly 1 in 3 of 60-64 year olds), these forms of disadvantage affect large numbers of people.

¹ <https://www.gov.uk/government/statistics/the-employment-of-disabled-people-2021/the-employment-of-disabled-people-2021>

² <https://www.tuc.org.uk/research-analysis/reports/jobs-and-recovery-monitor-disabled-workers>

³ Hoque, K. & Bacon, N. (2021). Working from home and disabled people's employment outcomes. *British Journal of Industrial Relations* (early view) <https://doi.org/10.1111/bjir.12645>; Hoque, K., Wass, V., Bacon, N. & Jones, M. (2018). Are high performance work practices enabling or disabling? Exploring the relationship between selected HPWPs and work-related disability. *Human Resource Management*, 57(2): 499-513; Jones, M. (2007). Does part-time employment provide a way of accommodating a disability? *The Manchester School*, 75(6): 695-716.; Schur, L., Kruse, D., Blasi, J., &

Much government attention in addressing disability disadvantage has involved supply side labour market activation initiatives, which seek to move disabled people off disability benefits into job-seeking activity, and then into work. Such measures have included the ending of Incapacity Benefit and the introduction of Employment Support Allowance and Work Capability Assessments, and the Work and Health Programme. These measures have been criticised for their ineffective implementation and for delivering poor value for money.⁴ Given this, it is important that the provision of several other supply side initiatives including supported employment services, supported internships and disabled people's access to apprenticeships, is scaled up. Policy proposals in these areas have been addressed extensively elsewhere.⁵

However, our primary argument is that more attention needs to be paid to the demand side, in terms of addressing the workplace barriers disabled people encounter. Even the more positive supply side measures will only prove effective if disabled people have jobs to go to. This will require the government to implement measures that encourage employers to ensure disability equality policies and practices are in place to help disabled people to get into and remain in work.

The evidence suggests there are significant shortfalls in employers' efforts in this regard. For example, evidence from the government's nationally representative 2011 Workplace Employment Relations Study (WERS) suggests that although four in five workplaces have a disability equality policy, many are "empty shells" that lack substantive practices to deliver equality commitments.⁶ For example, only approximately 10 per cent of workplaces with 5 or more employees monitor or review recruitment and selection and promotion by disability, only 3 per cent review pay rates by disability, and only 8 per cent of workplaces have special procedures to attract job applications from disabled people. This is despite a growing literature having identified the importance of such practices, if implemented effectively, in increasing disability employment rates, disabled employees' relative wages, and perceptions of fair treatment by management.⁷ There is a long way to go, therefore, in encouraging employers to implement the sorts of practices that are likely to help overcome the workplace barriers disabled people encounter.

In July 2021, the government launched its *National Disability Strategy*. This announced a review of the government's Disability Confident scheme, and a consultation on the introduction of mandatory disability employment reporting. Below, we outline the policies we believe the government should implement in these areas. We also outline the steps the government should take regarding the implementation of disability pay gap reporting, the leveraging of government procurement expenditure, and support for trade union efforts to address the barriers disabled people encounter in the workplace. Given the potential for the

Blanck, P. (2009). Is disability disabling in all workplaces? Workplace disparities and corporate culture. *Industrial Relations*, 48(3): 381-410.

⁴ See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/70071/wca-review-2010.pdf; <https://www.nao.org.uk/wp-content/uploads/2016/01/Contracted-out-health-and-disability-assessments.pdf>; <https://www.nao.org.uk/wp-content/uploads/2018/03/Investigation-into-errors-in-Employment-and-Support-Allowance-Full-Report.pdf>; <https://www.nao.org.uk/wp-content/uploads/2019/03/Supporting-disabled-people-to-work.pdf>

⁵ See: <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2021/03/CSJJ8819-Disability-Report-190408.pdf>

⁶ Hoque, K. & Noon, M. (2004). Equal Opportunities Policy and Practice in Britain: Evaluating the 'Empty Shell' Hypothesis. *Work, Employment & Society*, 18(3): 481-506.

⁷ Hoque, K., Wass, V., Bacon, N. & Jones, M. (2018). Are high-performance work practices (HPWPs) enabling or disabling? Exploring the relationship between selected HPWPs and work-related disability disadvantage. *Human Resource Management*, 57(2): 499-513.

proposals we outline to help disabled people obtain and remain within employment, we hope to see their inclusion in future government revisions of the *National Disability Strategy*.

Mandatory disability employment reporting

Mandatory disability employment reporting would require employers to report the number of disabled people they employ as a percentage of their workforce. This has the potential to engender transformative change. The government is fully aware of this, having outlined the benefits of disability employment reporting in the introduction to its framework for *Voluntary reporting on disability, mental health and wellbeing*,⁸ which it unveiled in November 2018. This document argues that transparent reporting has the potential to help employers: “Improve employee engagement and retention, with consequent gains for performance and productivity”; “Better understand the experiences of disabled people”; “Better monitor internal progress in building a more inclusive environment”; and “Access a wider pool of talent and skills through promoting inclusive and disability-friendly recruitment, retention and progression policies”. In short, requiring employers to collect and report data on their disability employment metrics will ensure disability is placed firmly on the boardroom agenda, thus ensuring a greater focus within organisations on both the recruitment and retention of disabled people.

The government is currently consulting on disability employment reporting following the publication of the *National Disability Strategy*. We argue the government *should introduce mandatory disability employment reporting for all large employers* (with 250+ employees). This would involve employers reporting to the government the number of disabled people they employ as a percentage of their workforce, and for the government to then publicise this data.

However, to be effective, mandatory reporting would need to adhere to the following three key principles.

- i) *A standardised question.* When asking their employees about their disability status, all employers should be required to use a standardised question from which they should not be permitted to deviate. This would help ensure the data collected are comparable across employers. Small differences in question wording can yield large differences in reported figures, hence if different employers use different wording it would not be possible to compare the figures across employers with any degree of certainty, or develop national, regional or sectoral averages for benchmarking purposes.
- ii) *The question the mandatory reporting system requires employers to use in asking employees about their disability status should mirror the Labour Force Survey (LFS) measure, and employers should not be permitted to deviate from it.* It is probable there will be considerable debate over how the question used for mandatory reporting purposes should be worded, with different interest groups likely calling for the particular impairments on which they focus to be reflected within the question. However, it will not be feasible to develop a question that accommodates the wishes of all of these interest groups. Given this, we argue the question used should mirror the LFS measure. The LFS is the government’s main source of national disability statistics, and is used to monitor its national disability employment commitments. The measure asks respondents: “Do you have any physical or mental health conditions or illnesses lasting or expecting to last 12 months or more?”. If respondents answer in the affirmative, they are asked the

⁸ <https://www.gov.uk/government/publications/voluntary-reporting-on-disability-mental-health-and-wellbeing>

follow-up question: “Does your condition or illness reduce your ability to carry out day-to-day activities?” (Yes, a lot; Yes, a little; Not at all). Respondents answering “Yes, a little” or “Yes, a lot” are defined as disabled.

There are two main reasons why the government should use this measure. First, it has the advantage of having already been piloted and validity tested by the ONS to ensure its appropriateness as a method by which to measure disability. Hence, it is the best generic question available for the purposes of disability reporting. Second, the LFS measure is consistent with the definition of disability in the *Equality Act 2010*. Using this question for the purposes of mandatory disability employment reporting would therefore provide employers with the information they need to help them assess their fulfilment of statutory obligations with regard to disability discrimination and the provision of reasonable adjustments.

- iii) *A standardised data collection method.* Different data collection methods (e.g. via anonymous staff survey rather than via declaration to the organisation’s HR function) are likely to produce substantial variation in the reported figures. As such, employers should be required to collect data on disability employment using a standardised data collection method. Our recommended approach would be for employers to collect data on an annual basis (which is important given the non-static nature of disability) using a standard government form that cannot be altered or changed. This mirrors the approach taken in the US under *Section 503 of the Rehabilitation Act of 1973*, which requires employers with federal government contracts to report the percentage of disabled workers in their workforce to the Office of Federal Contract Compliance Programs within the Department of Labor.

If the above principles are adopted, the reporting system will produce standardised, comparable data that will allow employers to benchmark their progress against other employers and against meaningful national, regional and sectoral averages. Given the data will be comparable across employers it could also be used to establish whether employers have met our suggested revised criteria for Disability Confident accreditation, and in the assessment of social value within government contract procurement decisions (see below).

However, concerns are sometimes raised regarding the practical difficulties involved in implementing disability employment reporting. Regarding this, it is worth emphasising that a number of both public and private sector employers already report a range of disability employment metrics, thus illustrating that mandatory reporting is entirely operationalisable. These include EY, Clifford Chance and Capita. The BBC, ITV, Channel 4, Channel 5 and Sky, have all signed up to “Diamond”, which is a system for tracking on- and off-screen diversity. Channel 4, for example, has sought to develop a culture in which employees feel comfortable to be open about their disability, and self-reported disability prevalence at Channel 4 is now 11.5%.⁹ In NHS England, the Workforce Disability Equality Standard (WDES) requires NHS employers to report ten specific measures that compare the workplace and career experiences of disabled and non-disabled employees. These metrics are then used to develop and publish action plans, and to enable employers to measure year on year progress towards greater disability equality.¹⁰ Annual standardised workforce reporting by the civil service and government departments also identifies the proportion of their workforce who declare themselves disabled and this is reported by pay and grading levels.¹¹ It is also a statutory obligation for universities to report on workforce disability prevalence to the Higher Education

⁹ <https://www.disabilityatwork.co.uk/wp-content/uploads/2019/12/Proposal-for-transparent-reporting.pdf>

¹⁰ <https://www.england.nhs.uk/about/equality/equality-hub/wdes/>

¹¹ <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/publicsectorpersonnel/bulletins/civilservicestatistics/2018#proportion-of-disabled-civil-servants-increases>

Statistics Agency, which publishes these data.¹² These examples show there are no practical reasons why employers cannot report their disability employment metrics, and that it is not overly complex to do so. Indeed, CIPD research suggests that over three quarters of organisations already have all or at least some of the infrastructure in place to facilitate mandatory reporting.¹³ Making disability employment reporting mandatory would spread these many existing pockets of good practice across the economy more broadly.

Mandatory disability pay gap reporting

Although the *National Disability Strategy* did not include pay gap reporting, we nevertheless argue in favour of the introduction of *mandatory disability pay gap reporting for employers with 250+ employees*. Mirroring the approach taken for gender pay gap reporting, this would involve reporting the mean and median disability pay gap in hourly pay and bonuses, the proportion of disabled and non-disabled employees receiving a bonus, and the proportion of disabled employees who fall into each pay quartile. Therefore, as well as identifying whether disabled people are paid on average less than non-disabled people, this would allow for the identification of whether they are distributed equally across the organisational hierarchy, or whether they cluster into lower level jobs and pay grades. The government has argued that gender pay gap reporting “is a key part of building a country that works for everyone”, by breaking down barriers to employment and career progression, thus creating “a more modern workforce”.¹⁴ We argue that this rationale applies equally to disability pay gap reporting.

Mandatory pay gap reporting would be relatively straightforward for employers to implement if introduced in tandem with mandatory disability employment reporting (as outlined above). The first (and most complex step) for employers in calculating their disability pay gap is to ascertain which of their employees identify as disabled. Once they have this information, calculating their disability pay gap becomes a relatively straightforward administrative exercise. Information gathered on employees’ disability status for the purposes of mandatory employment reporting would therefore serve as the bedrock for disability pay gap reporting.

Importantly, this would mean disability employment reporting (above) would need to be non-anonymous. It will therefore be incumbent on employers to offer assurances to employees that the data they provide on their disability status will be treated as confidential. This in itself may have positive effects, given disabled people would be more likely to view employers’ assurances of confidentiality as credible, and thus identify as disabled, where employers have developed more positive, supportive and high-trust relationships with them. It would be in the employer’s interest to develop such relationships given a failure to do so would risk disabled people not identifying as disabled, thus flagging the organisation as a poor employer of disabled people, which in turn would risk negative reputational effects.

One concern that has been raised regarding mandatory pay gap reporting is that it punishes employers that are taking positive steps to hire more disabled people.¹⁵ As is typically the case for hiring generally, employers hiring disabled people in greater numbers are likely to hire them into lower organisational levels or on lower pay grades, with a view to then moving them upwards (where appropriate) through the organisational hierarchy over time. Given this, they are likely to have larger pay gaps than employers that have not attempted to increase the number of disabled people they employ. However, disability pay gap data should not be viewed

¹² <https://www.hesa.ac.uk/data-and-analysis/sb256/figure-6>

¹³ CIPD/ YouGov survey 2019, reported in: <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2021/03/CSJJ8819-Disability-Report-190408.pdf>

¹⁴ <https://www.gov.uk/government/news/gender-pay-gap-reporting-goes-live>

¹⁵ Work and Pensions Committee (2021) *Disability Employment Gap: Second Report of Session 2021–22*. <https://committees.parliament.uk/publications/7005/documents/72950/default/>

in a vacuum, but should be accompanied by a narrative. Hence, if an employer's disability pay gap is due to them having hired disabled people in larger numbers, they will have the opportunity to explain this. By tracking their disability pay gaps over time it would then be possible to identify whether these new hires have been retained and have been able to progress upwards through the organisation. The narrative will also offer an opportunity to explain instances where pay gaps have arisen as a result of having hired disabled people who are unlikely to be able to move into higher pay bands given the nature of their impairment.

Reform of Disability Confident

Disability Confident is the government's primary demand-side policy tool aimed at encouraging employers to improve their treatment of disabled people, and to assist them in doing so. The scheme has three levels – Level 1 (committed), Level 2 (employer), and Level 3 (leader), with the accreditation criteria being based largely on whether employers have made commitments regarding their treatment of disabled people, and have adopted activities that may make a difference for disabled people.

However, there are significant doubts regarding how effective Disability Confident has been in encouraging employers to improve their disability equality practices, or in improving disability employment outcomes. Research on the Two Ticks scheme (the predecessor to Disability Confident) shows that Two Ticks employers were no more likely to employ disabled people than non-Two Ticks employers, and were barely any more likely to have adopted disability equality policies and practices. Two Ticks accreditation also did very little to improve disabled employees' experience of work (regarding well-being, job satisfaction, fair treatment, and contentment) or to close gaps between disabled and non-disabled people regarding these outcomes.¹⁶ Two Ticks employers were also no more likely to uphold the specific commitments formally expected of them than were non-Two Ticks employers.¹⁷

It is unlikely Disability Confident will have performed any better than Two Ticks in terms of improving outcomes for disabled people, or encouraging employers to adopt better disability equality policies and practices. This is for several reasons:

- i) Many Disability Confident employers were previously Two Ticks employers (having been transferred across from Two Ticks in 2016), and these employers, as the aforementioned research shows, did not perform any better regarding disability employment outcomes or disability policy and practice adoption than did non-Two Ticks employers. It is highly unlikely these employers will have improved simply as a result of being migrated across to Disability Confident.
- ii) As was the case for Two Ticks, the Disability Confident accreditation criteria are based on whether the employer has made certain commitments regarding the treatment of disabled people and has adopted certain disability equality policies and practices, rather than on whether they have achieved certain disability employment outcomes (regarding the number of disabled people they employ as a percentage of their workforce, for example). Hence there is no guarantee disability employment outcomes will be any better in Disability Confident than in non-Disability Confident workplaces.

¹⁶ <https://www.disabilityatwork.co.uk/wp-content/uploads/2019/02/Disability@Work-Two-Ticks-Briefing-Paper-4.pdf>

¹⁷ Hoque, K., Bacon, N. & Parr, D. (2014). Employer disability practice in Britain: Assessing the impact of the positive about disabled people "Two Ticks" symbol. *Work, Employment & Society*, 28(3): 430-451.

- iii) As with Two Ticks, there is no independent assessment within Disability Confident to evaluate if employers are upholding the commitments expected of them, or if they are implementing activities in an effective manner (there is external validation at Level 3, though employers are able to select their own validators).

As such, Disability Confident may be little more than window dressing that sends a misleading signal to disabled people regarding the employers that are more likely to hire and retain them, and offer better experiences of work. The recent growth in the number of Disability Confident employers also risks creating a false impression of progress, thus deflecting government attention away from developing policy solutions that might be significantly more effective in addressing disability employment disadvantage.

Given this, if Disability Confident is to become a credible and meaningful labour market signal, we argue it should be reformed in a number of ways:

- i) *The certification criteria at Levels 2 and 3 should be amended to focus on workforce disability prevalence.* This would require employers to demonstrate they meet a minimum threshold regarding the number of disabled people they employ as a percentage of their workforce. In terms of the level at which the threshold should be set, we suggest that to achieve Level 2 accreditation an employer should have to demonstrate a disability workforce prevalence of 7 per cent (the same figure used in the United States' *503 Federal Contractor Regulations* as an aspirational "utilisation goal" towards which federal contractors are expected to work). To achieve Level 3 accreditation, they should have to demonstrate a disability workforce prevalence of 10 per cent.¹⁸ Both of these figures are below the percentage of the UK's workforce that report they are disabled, so they should not be viewed as overly burdensome by employers. Once appropriate thresholds have been established and enforced, Disability Confident will provide a more reliable signal regarding the employers that are more likely to hire and retain disabled people.
- ii) *Accredited employers who, over time, slip below the disability employment thresholds required for Level 2 and 3 accreditation should be moved down to the appropriate level.* This would require that workplaces are assessed on a yearly basis regarding whether they are meeting the required disability employment outcomes. If a Level 3 employer is only able to demonstrate they meet the disability employment threshold expected at Level 2, they should be moved down to this level, and if they do not meet the disability employment threshold expected at either Level 2 or Level 3, they should be moved down to Level 1. They should, however, be given a grace period in which to improve before this happens.
- iii) For Level 1 employers, there should be an expectation that they move up to Level 2 or 3 and do not remain at Level 1 indefinitely. As such, *Level 1 should be granted to employers for a period of 3 years.* If they show insufficient progress towards moving up to Level 2 or 3 by the end of this time period, they should have their Disability Confident status removed.

Changing the Disability Confident assessment criteria to focus on employers' disability employment outcomes (and in particular the number of disabled people they employ as a percentage of their workforce) as outlined above would require the availability of standardised and comparable disability employment metrics across employers. These metrics would be available automatically should the recommendations above regarding mandatory disability employment reporting be implemented, given the figures reported under the mandatory

¹⁸ These thresholds would need to be revised over time to account for likely future increases in disability prevalence in the workforce due to workforce ageing, for example.

reporting scheme would automatically demonstrate whether the employer has met the disability employment threshold required for Disability Confident accreditation. Hence, moving to an outcome-based assessment criteria for Disability Confident would involve no additional bureaucratic burden for employers.

However, if introduced, mandatory reporting is only likely to apply to organisations with 250+ employees; hence, small and medium-sized enterprises (SMEs) wishing to apply for Disability Confident accreditation would also need to measure and report their workforce disability employment prevalence. To ensure comparability, they should be required to do this by following the same reporting procedures as used for the purposes of mandatory reporting. It is important to note that requiring SMEs to meet the same disability employment thresholds as large firms would not place them at a disadvantage, given SMEs employ proportionately just as many disabled people as do large firms with 250+ employees.¹⁹ Indeed, they would arguably be more likely to meet Disability Confident accreditation criteria based on disability employment thresholds than the current accreditation criteria based predominantly on whether certain formal disability equality policies and practices have been implemented, given that formal practices are less likely to be viewed as appropriate or helpful within SMEs than in larger firms, hence they are less likely to adopt them.²⁰

Leveraging central government procurement expenditure for social value

Gross spending on public sector procurement was £357 billion in 2020/21 across the UK.²¹ This can be leveraged to improve disability employment outcomes.

In 2020, the government undertook a consultation on the reform of the *Public Services (Social Value) Act 2012* to require all public sector commissioning to factor in economic, social and environmental well-being in allocating public contracts.²² The consultation led to the reforms outlined in PPN06/20,²³ which came into force in January 2021.

PPN 06/20 stipulates the following:

- i) Social value is to be explicitly evaluated in all central government procurement rather than just being “considered”.
- ii) The different forms of social value against which tendering firms can be evaluated in the award of contracts. One of the explicit social value outcomes is to reduce the disability employment gap.
- iii) A minimum weighting of 10 per cent of the total score for the award of the contract is to be based on social value, to ensure that it carries a heavy enough weight in evaluating bids (a higher weighting can be applied if justified).

¹⁹ <https://www.gov.uk/government/statistics/the-employment-of-disabled-people-2021/the-employment-of-disabled-people-2021>

²⁰ Bacon, N. & Hoque, K. (2021) The treatment of disabled individuals in small, medium-sized, and large firms. *Human Resource Management* online first, <https://doi.org/10.1002/hrm.22084>.

²¹ <https://commonslibrary.parliament.uk/research-briefings/cbp-9317/>

²² <https://www.gov.uk/government/consultations/social-value-in-government-procurement>

²³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921437/PPN-06_20-Taking-Account-of-Social-Value-in-the-Award-of-Central-Government-Contracts.pdf

- iv) To monitor the progress of the contractors in achieving the social value outcomes, key performance indicators (KPIs) are to be agreed between the contracting parties. These are recorded and monitored throughout the contract lifespan.

Given that one of the explicit social value outcomes against which employers can be evaluated is the steps they are taking to reduce the disability employment gap, this might be considered a positive step forward. However, as also argued by the Centre for Social Justice Disability Commission²⁴ there are a number of ways in which PPN06/20 could go further:

- i) *Contracting bodies should take disability employment outcomes into account in all contract award decisions.* Currently, under PPN06/20, contracting bodies are required to select social value objectives that are relevant and proportionate to the contract. Hence, there is no guarantee that disability will be one of the social value objectives on which tendering employers are asked to compete. We argue it should be included for all contract award decisions.
- ii) *The key disability metric used to inform contract award decisions should be the tendering employers' workforce disability prevalence.* Currently, under PPN 06/20, employers are judged on whether they engage in activities that “demonstrate action to increase the representation of disabled people”; “support disabled people in developing new skills relevant to the contract, including through training schemes that result in recognised qualifications”; and “influence all stakeholders through the delivery of the contract to support disabled people”. These are weaker criteria than a metric based on comparing the number of employees as a percentage of the workforce within different tendering organisations.
- iii) *An aspirational target for workforce disability prevalence should be introduced towards which employers that win contracts should be required to work.* This mirrors the situation in the United States, where the *Federal Contractor Regulations (s503 of the Rehabilitation Act, 1973)* require employers with large federal contracts to work towards an aspirational 7 per cent “utilisation goal”.
- iv) PPN 06/20 specifies that social value KPIs should focus on the “contract workforce” rather than the “whole workforce”. This means that even if the procuring body stipulates disability employment as one of the social value criteria against which tendering employers will be judged, this will only be in relation to the section of the employer’s workforce involved in delivering the contract. *Instead, it should be in relation to the employers’ workforce as a whole.*
- v) PPN 06/20 does not outline the sanctions contractors should face should they fail to uphold their social value commitments. In the case of disability, *where they are found not to have upheld the relevant KPIs, this should count against them in future procurement exercises.*
- vi) PPN 06/20 only applies to central government procurement, and not to all public sector contracts. *The requirement for contractors to focus on increasing their disability employment should apply to all public sector contracts.*

We argue, therefore, that implementing the proposals outlined above will impact significantly on the potential for government procurement to be leveraged to improve both the recruitment and retention of disabled people.

²⁴ <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2021/03/CSJJ8819-Disability-Report-190408.pdf>

The role of Trade Unions

As outlined above, although a growing literature has identified the importance of implementing disability equality practices for improving disabled people's employment outcomes, many employers have not implemented such practices.

However, research shows that disability equality practices are more widely adopted in unionised than nonunionised workplaces, with the difference being particularly great in instances where negotiation and consultation over equality takes place.²⁵ This in turn suggests that one route by which the government might encourage employers to improve their disability equality practices is to *encourage union recognition and to encourage employers to negotiate or consult with unions on equality issues*.

In addition, in seeking to promote equality, trade unions have recruited and trained Equality Representatives and Disability Champions in recent years. The role of union Equality Representatives is to help promote equality and fairness by: encouraging employers to improve equal opportunity policies and practices; offering independent advice and guidance on equality issues and rights to employees; and raising the profile of the equality agenda within their unions. The role of union Disability Champions is to encourage employers to audit and improve disability policies and offer independent advice and guidance on disability issues to employees.

Research has highlighted the effectiveness of these new forms of union representative. Regarding Equality Representatives, more than three-fifths have been found to have impacted the employer's disability equality practices positively.²⁶ Their impact does not vary between the public and private sectors, between SMEs and large organisations, or between industry sectors. Regarding Disability Champions, research shows the majority have impacted positively on employer willingness to conduct disability audits and to amend and improve employer disability equality practices.²⁷

However, the research also shows the impact of both Equality Representatives and Disability Champions is dependent on them being able to spend at least five hours per week on their role. It also shows their impact is greater where negotiation over equality takes place. Regular contact with management (for example, via attendance at equality/ disability committees) is also important in enhancing their effectiveness.

As such, the evidence suggests that although these new forms of union representative can have significant positive effects for the employment of disabled people, they are in need of greater statutory support. Currently, neither Equality Representatives nor Disability Champions have statutory rights to time off to perform their role such as those afforded to Union Learning Representatives (ULRs). This is particularly concerning given the evidence showing their effectiveness is greater where they are able to dedicate at least five hours per week to the role. As such, we argue that *Equality Representatives and Disability Champions should be provided with statutory rights to time off to perform their role (facility time), equivalent to the rights provided to ULRs*. This would not only enable them to perform their roles more

²⁵ Hoque, K. & Bacon, N. (2014). Unions, joint regulation and workplace equality policy and practice in Britain: Evidence from the 2004 Workplace Employment Relations Survey. *Work, Employment and Society*, 28(2): 265–284.

²⁶ Bacon, N. & Hoque, K. (2012). The role and impact of trade union equality representatives in Britain. *British Journal of Industrial Relations*, 50(2): 239–239.

²⁷ Bacon, N. & Hoque, K. (2015). The influence of trade union Disability Champions on employer disability policy and practice. *Human Resource Management Journal*, 25(2): 233–249.

effectively, but it would also help trade unions hire new representatives into these roles in larger numbers. Notwithstanding the generally low trade union presence in the private sector, this would bring their benefits to larger numbers of disabled employees, particularly in public sector settings.

Support for the proposals outlined above

The measures outlined above have significant potential to improve disabled people's employment outcomes and experiences of work. It is notable that these measures are also reflected within the new Disability Employment Charter,²⁸ launched in October 2021, of which Disability@Work is a founder member. Over 80 organisations have backed the Charter, either as founder members or as signatories, including virtually all of the country's large disability charities (including Leonard Cheshire, Scope, Sense, RNIB, RNID, National Autistic Society, Mencap); national bodies such as the Business Disability Forum and Disability Rights UK; trade unions including UNISON and Unite; and employers including Primark, PageGroup, the Post Office, and Publicis Groupe. This demonstrates the broad platform of support for the proposals we have outlined above from across a wide range of stakeholders. As such, together with the other founder members and signatories to the Disability Employment Charter, we call on the government to include these proposals in future iterations of its *National Disability Strategy*.

For further details of our research on disability, go to: www.disabilityatwork.co.uk

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²⁸ www.disabilityemploymentcharter.org