

INCLUDING PEOPLE WITH DISABILITIES IN THE LABOUR MARKET: THE NUTS AND BOLTS OF THE UK DISABILITY LEGISLATION AND POLICIES

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Fecha de recepción: 17-09-2014

Fecha de aceptación: 02-10-2014

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RESUMEN: Este artículo analiza temas de discapacidad en el Reino Unido fijándose en el marco legal, las políticas sobre la materia y algunos aspectos de su aplicación en la educación superior, concretamente en la Universidad de York. Sostiene que la reciente legislación, la EqA 2010, es decepcionante, ya que sólo contempla mejoras de menor importancia en la situación de las personas con discapacidad. La legislación actual se centra excesivamente en la discapacidad, más que en la eliminación de barreras, y la definición se sigue construyendo rigurosamente alrededor del modelo médico de discapacidad. Por el contrario, las políticas del Reino Unido parecen hacer una incursión significativa en las prácticas de empleo. El artículo también examina las prometedoras propuestas del Gobierno de Coalición, que

proponen cambios en los patrones de carrera profesional de las personas con discapacidad. Por último, este trabajo analiza algunas de las medidas y estrategias empleadas por la Universidad de York, que la sitúan en la parte superior de la clasificación en cuanto al trato de las personas con discapacidad.

ABSTRACT: This article considers disability issues in the UK looking at the legal framework, policy considerations and some aspects of their implementation in the higher education -namely at the University of York-. It argues that the recent legislation, the EqA 2010, is disappointing, since it only provides for the minor improvements in the situation of disabled people. The current legislation focuses excessively on the impairment rather than on the removal of barriers, and the definition is still rigorously constructed around the medical model of disability. In contrast, the UK policies seem to make a significant inroad into employment practices. The article also considers quite promising proposals of the Coalition Government proposing changes in the career patterns of people with disability. Lastly, this article looks at some measures and strategies employed by the University of York that place it at the top of the league table regarding its treatment of people with disabilities.

PALABRAS CLAVE: discapacidad, legislación laboral en el Reino Unido, políticas de empleo en el Reino Unido.

KEYWORDS: Disability, UK employment law, UK employment policy.

Disability discrimination in the UK had been an ongoing problem for decades, but only in 1995 the government came with a specific piece of legislation: the Disability Discrimination Act. The UK was always holding back the European Union with its minimalist approach to social rights, but this time the UK came in lead as one of only three European Members States having legislation on disability in employment. Surprisingly, in light of the past experience this time the UK's DDA offered some insights to the drafters of the EU Equal Treatment in Employment directive 2000/78/EC, adopted five years later. The current legal framework on disability is incorporated in the new legislation: Equality Act 2010 which in turn absorbed the main lines and structure of the DDA.

This paper will assess the current legal framework arguing that EqA 2010 provides very little improvement in comparison with the previous legislation, and it does not address the major critiques of the DDA. The paper will argue that the

definition is overloaded and complicated; it is also very hermetic and rigorously constructed around the medical model of disability. The critical assessment of the current legislation focuses on drawing attention to the impairment rather than the barriers. The paper discusses also the UK policies which are sometimes inconsistent but quite satisfactory and made in the end a change in the lives of disabled people. It also considers the policies for the years ahead drafted by the Coalition Government prioritising the career pattern and better qualifications for disabled people. The paper also analyses the policies implemented by the University of York and the Law School arguing that York University should be at the top of the league tables regarding its treatment of people with disabilities.

1. DISABILITY LEGISLATION

The EqA 2010 is a major consolidation of different pieces of legislation on equality. In relation to disability the EqA 2010 makes some changes to the definition of disability, bringing it to line with the definitions that govern other grounds. It strengthens the clause on reasonable adjustment. The EqA 2010 is disappointing on the stand-still on a medical model of disability –the model that informed the DDA–. In 2009 the UK ratified the UN Convention on the Rights of Persons with Disabilities that fosters a wide concept of disability. The EqA 2010 unfortunately does not reflect the Convention’s vision.

1.1. Medical or social model of disability?

The discussion on disability model goes back to the Disability Discrimination Act. This came into force in December 1996, and made it unlawful to discriminate against disabled people in employment and in access to goods, services, transport and education. Disabled rights activists had originally campaigned for the adoption of the Civil Rights (Disabled Persons) Bill, which was opposed by the government. The main difference between that Bill and the Act was the concepts of equality which informed the DDA. Disability campaigners had argued that the law should recognise what is called a “social model” of disability. The definitions contained in the DDA tend to protect only disabled persons who come within a ‘medical model’ of disability. What this means in practice is that, when cases are litigated, expert medical opinion will be needed to decide if someone has in fact been discriminated against on grounds of their disability, or whether their disability was sufficiently serious to be protected by the law. The government’s objection to a ‘social model’ of disability was based on the

perception that the criteria for a wider coverage of disability in the statutory instrument, including other forms of disability were too vague and confusing. Therefore, the lack of clearly defined or open-ended situations of disability could only add the cost of litigation procedures. The DDA ended the system that operated so far under the Disabled Persons (Employment) Act introduced in 1944 attributing quota to disabled workers. The 1944 Act was inspired by the Tomlinson Committee Report on rehabilitation and resettlement of disabled people.¹ The 1944 Act established a register for disabled people, assessment, and it introduced training facilities and a duty for the employers employing 20 or more employees to reserve 3% quota for disabled workers and some sort of protection from dismissal. The Act itself and the quota system was heavily criticised over the years and appeared to be ineffective. It was repealed by the DDA. The Government position started to be swayed more towards the disabled people rights' approach. This transpired from the government's response to the EU Commission's Green Paper of European Social Policy in which the UK Government recognised that "the most effective way to promote jobs opportunities for people with disabilities is to get employers to recognise the abilities of disabled people and the business case for employing them".²

The DDA 1995 in line with a medical model of disability made the terms "disability" and "disabled person" central to the Act: only someone who meets the definition of disabled person could enjoy the rights the DDA confers. Section 1(1) defined a disabled person as someone who has "a physical or mental impairment which has a substantial and long-term adverse effect on his [or her] ability to carry out normal day-to-day activities". The effect of this definition, adopting the medical model of disability, may well be to exclude from the Act's protection many individuals who regard themselves as disabled or who are treated by others as if they were disabled.

1.2. Areas covered

What areas were initially covered by the Act? The first point to note is that there was a major concession to the argument that discrimination law should not place an unduly heavy financial burden on business. Therefore, there was a small business exemption contained in section 7, and the Act did not apply where there were fewer

¹ <http://www.psi.org.uk/publications/archivepdfs/Victims/VV8.pdf>.

² P. Thornton, N. Lunt, *Employment for Disabled People: Social Obligation or Individual Responsibility?*, 1995, York University Publications, 5 (cited from Employment Department, 1994a, Annex 2).

than 20 employees when the Act was introduced. Where the Act did apply, as with the law on race and sex, it made it unlawful for employers to discriminate in *all* aspects of employment, for example, in recruitment, in the terms and conditions of employment, or in dismissal. However, the meaning of “discrimination” in section 5 of the DDA differed in several respects from that used in the sex and race discrimination law.

1.3. Meaning of discrimination

Discrimination under the DDA occurred when an employer treated a disabled person less favourably; the less favourable treatment must have related to the person’s disability; and the employer could not show that this treatment was justified.

What this meant in practice is that the concepts of direct discrimination and indirect discrimination were merged. The important thing to note is that, in the context of disability discrimination, it was open to an employer to justify both direct and indirect discrimination. The fact that employers could justify direct discrimination could have a very serious impact, limiting the effectiveness of the law. However the DDA introduced a very important duty: employers had to abide by an obligation contained in section 6, to make “reasonable adjustments” to the workplace in order to accommodate a disabled employee. If an employer fails to make reasonable adjustments, then he will not be able to justify the discrimination. The Employment Tribunal decisions illustrated how the justification defence was working in practice. In *Tarling v. Wisdom Toothbrushes*, the tribunal found that an employee with increasing difficulties with a congenital club foot had been discriminated against on grounds of disability. He had been dismissed, ostensibly for incapability, which would normally be a fair reason for dismissal. But the employer had not taken steps to make reasonable adjustments. The evidence was that the employer had sought advice from a specialist, which was available, but had not acted on this advice, even though the cost was not great. Employers could apply for government grants to help them with the cost of making reasonable adjustments.

Sections 5(3) DDA and 6 together meant that if an employer thought there might have been a relevant and substantial reason for less favourable treatment of a disabled person, he must have considered whether the reason could be overcome, or made it less substantial by making a reasonable adjustment. In order to show how the justification defence would work in practice, the government issued the first Code of Practice in 1996. Two examples from the Code should suffice here. **First**, an employer seeking a clerical worker turns down an applicant with a severe facial disfigurement

solely on the ground that other employees would be uncomfortable working alongside him. This will be unlawful because the reaction by other employees will not in itself justify less favourable treatment of this sort. The same would apply if it were thought that a customer would feel uncomfortable. **Second**, someone who has psoriasis (a skin condition) is rejected for a job involving modelling cosmetics on a part of the body which in his case is severely disfigured by the condition. That would be lawful if his appearance would be incompatible with the purpose of the work. This is a substantial reason which is clearly related, indeed material, to the individual circumstance.

1.4. Disability and Equality Act 2010

The DDA was amended in 2003 and 2005 but its main lines have survived in EqA 2010. The main changes in the new legislation concern the definitions of direct and indirect discrimination. The concepts have been separated in sections 13 and 19 of the EqA 2010. The concept of “disability related discrimination” has been preserved but in the reinforced version as “discrimination arising from disability” which is wider. The formulation has been boosted to include the situations that otherwise might have been outside of the definition. Similarly, the duty on the employers to make reasonable adjustment appears in the more compelling form. The new legislation endorses at least to an extent a rights-based approach, underlying ability and not disability of people with a health condition. The definition of disability in 2010 EqA has retained, however, most of its original drafting.

Under EqA 2010 s.6 “a disabled person is a person who has a disability” or had it in the past. The disability is defined as “a physical or mental impairment that has a substantial and long-term adverse impact on the employee’s ability to carry out normal day-to-day activities”. Section 6 (2) is an expression of the initial and somehow “dépassé” construct of the disability discrimination. This concept, nonetheless, informed the EU legislation on disability that is visible in the directive 2000/78. Fraser Butlin criticises this approach as one misplacing emphasis and losing priorities. “It is the person with disability” that is in the centre of attention, the person with disability is a “problem” and needs to be supported by the protected legislation instead of focusing on the barriers that society imposes that should be eliminated.³ Similarly, the EqA refers to “protected characteristic” which again is evidence for the emphasis on disability rather than reducing its effect. Butlin argues that his approach downgrades the person, underlying the person inability to fully participate in society rather than

³ Fraser, Butlin S., “The UN Convention on the Rights of Persons with Disabilities: Does the Equality Act 2010 measure up to UK International Commitments?”, 2011, 40 (4) *ILJ*, 434.

his/her ability to do the job. It is disability that comes first.⁴ We need a fundamental shift in how the person is perceived making the most of ability of the person to perform in employment. The UN Convention in its Article 1 takes this approach since it proclaims that the purpose of the Convention is to ensure “the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities [...] and to promote respect for their inherent dignity”. The EqA 2010 states that the treatment amounts to discrimination when an employer treats a disabled person unfavourably because of disability or in consequence of disability and the employer cannot show that the treatment is proportionate. The Code of Practice to EqA 2010 provides further guidance on what is considered as “unfavourable treatment”. Unfavourable treatment of a disabled employee means to put him/her at disadvantage: “A person may be refused a job, denied a work opportunity or dismissed”. “Unfavourable treatment” may arise in consequence of disability such as an inability to walk unaided or inability to use certain work equipment.⁵ The UN Convention on the Rights of Persons with Disabilities (CRPD) ratified by the UK on the 8 June 2009 is quite radical, fostering social model of disability in the sense that focuses on barriers imposed by the society as opposed to the medical model that focuses on the impairment.⁶ Butlin explains that the scope of Article 1 of the Convention opens up the possibility to cover those who have no impairments but whose participation in society is still hampered.⁷ In addition, the Preamble of the Convention underlines the removal of the “attitudinal and environmental barriers” and in a different passage, the Preamble reaffirms that people with disabilities cannot be neatly categorised, making *people* central rather than their impairment. Regrettably, the Equality Act 2010 sticks with the medical definition of disability. Therefore, it is necessary to demonstrate an impairment assessed medically and the impact of this impairment on an ability to carry out day-to day activities. This approach has been reiterated by the courts quite recently by Lord Hope in *Packaging Ltd v Boyle* in 2009.⁸ In addition, an impairment needs to be “substantial” and “long lasting”. There has been on-going debate in order to diminish requirement for an impairment to be “substantial” and “long lasting” but efforts were unsuccessful since the conditions remain in the current legislation. In particular, a condition for an impairment to last 12 months in case of severe

⁴ *Ibid.*, Fraser, Butlin 435.

⁵ Equality Act 2010 Code of Practice, Equality and Human Rights Commission, 2011, 71.

⁶ *Ibid.*, Fraser Butlin S., 430.

⁷ *Ibid.*, Fraser Butlin, 432.

⁸ *Packaging Ltd v Boyle* [2009] ICR 1059.

depression was contested but not changed.⁹ But, the EU Directive 2000/78, as mentioned previously, based on medical model of disability also focuses on impairment and not on the barriers. However, very recently the ECtHR in *Kiss* seems to adopt a more flexible approach relaxing the strict text of medical model.¹⁰ Thus, in light of current legislation, only those who satisfy the definition of disability can be protected by the EqA 2010.

1.5. Components of the definition of disability

It helps to look at some components of the definition such as impairment, adverse impact, long term effect and impact on normal day to day activities.

Impairment:

Impairment lacks the definition in the Act but the Disability Guidance 2011 specifies that impairment does not have to arise from illness and the cause of this impairment is irrelevant.¹¹ However, it does specify that impairment needs to be medically assessed. The non-exhaustive list of impairments has been developed by the case law and it includes dyslexia discussed in *Patterson* case¹², dyspraxia and learning disability, mental illness such as depression considered by the Court in *Tarbuck* case,¹³ or schizophrenia. In addition multiple sclerosis, cancer, HIV are automatically recognised as disability by EqA 2010. Equality Act (Disability Regulations) 2010 excluded from the definition of impairment, seasonal allergic rhinitis (hay fever), pyromania, kleptomania, exhibitionism, voyeurism, addiction to alcohol, nicotine or other substances or tendency to sexual abuse.¹⁴

Substantial adverse effect:

Another aspect in the definition refers to “substantial adverse effect” that the impairment has had on the person ability to work. This requirement puts again emphasis on the person’s disability and on the differences between people. The Disability Guidance to the Act explains that the word “substantial” reflects the general understanding of disability as a limitation going beyond the normal differences in ability to perform work.¹⁵ The Guidance gives some more indications to the meaning

⁹ *Ibid.*, Butlin 434.

¹⁰ ECtHR, May 2010, Application no. 38832/06.

¹¹ *Ibid.*, Disability Guidance, 2011, para 3.

¹² *Patterson v Commissioner of Police of the Metropolis* [2007] IRLR 763.

¹³ *Tarbuck v Sainsbury’s Supermarkets Ltd* [2006] IRLR 664.

¹⁴ Equality Act (Disability) Regulations 2010, SI 2010/2128, regs 3-5.

¹⁵ Disability Guidance, 2011 para B1. <http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf>.

of substantial considering various factors such as the time invested for the activity, the manner in which an activity is carried out, cumulative effect of impairment, changes in the personal behaviour and effect of the working environment.¹⁶ The Guidance makes a distinction between an impairment that can be cured, and in that circumstance it is not substantial, contrary to the situation where the treatment could only provide a temporary improvement and in that case it would fall within the scope of the Act.¹⁷ The progressive diseases such as dementia or muscular dystrophy are considered as having substantial effect and falling within the ambit of the Act, even if at some stage there is no adverse impact on day-to-day activities. Multiple Sclerosis, cancer and HIV come automatically within the scope of the Act.

Long term effect:

Another component of the definition refers to long term effect. The Act imposes that “long term effect is an effect that; lasted for at least 12 months” or is likely to last for at least 12 months. The House of Lords in *SCA Packaging Ltd* explained that “likely” means something that “could well happen”.¹⁸ The interesting point concerns fluctuating effects that occur in some illnesses such as schizophrenia, bipolar affective disorder, epilepsy and certain types of depression. The Disability Guidance clarifies that the effect does not need to be the same throughout all the period, and even if it disappears temporarily it can still be considered as long term.¹⁹

An effect on normal day-to-day activities:

The last element of the definition of disability refers to an effect on normal day-to-day activities. The Act does not define it but the Disability Guidance mentions some factors such as to what degree it impacts on carrying out activities on a daily or frequent basis. This can relate to work as well as activities outside work.²⁰

¹⁶ Disability Guidance, 2011 . <http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf> p15-18

¹⁷ Disability Guidance, 2011 . <http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf> para B 18.

¹⁸ *SCA Packaging Ltd. V Boyle* [2009] IRLR 746.

¹⁹ <http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf> para C7.

²⁰ <http://odi.dwp.gov.uk/docs/law/ea/ea-guide-2.pdf> para D4.

1.6. Prohibited forms of discrimination

The EqA 2010 in the disability context outlaws direct discrimination, duty to make reasonable adjustments, discrimination arising from disability and indirect discrimination.

Direct Discrimination:

Direct discrimination does not allow justification, it is wrongful *per se* and it is prohibited regardless the motif. The use of comparators has also become more flexible. The comparison is still necessary but the comparator is a person similarly situated to the individual that does not have this condition and the comparator does not have to be real, s/he can also be hypothetical. The flexibility of approach has been recently endorsed by the Court of Appeal. In *Aylott v Stockton-on-Tees Borough Council*, an employee with bipolar affective disorder was dismissed for incapacity mainly due to the problems to work towards the deadlines. The Employment Tribunal found that this was direct discrimination and the appropriate comparator was a person without disability but affected by disability related reasons such as a surgical procedure. The EAT took a different view and the appropriate comparator was a person whose work record had caused similar concerns but the Court of Appeal restated the ET judgment.²¹

Duty to make reasonable adjustments:

Another form of discrimination under EqA 2010 s.20 is when employer does not comply with a duty to make reasonable adjustments. The employer is under the duty to “take such steps as it is reasonable to avoid the disadvantage” that a disabled person might suffer, where a physical feature puts a disabled person at disadvantage in comparison with not disabled person and there is an obligation on the employer to take reasonable steps to provide aid. Nonetheless, section 15 of EqA removes some complexities on comparators introduced by the *Malcolm* decision.²² Thus, employer needs to provide information in an accessible format. Under section 20, EqA 2010, the disadvantage suffered by a disabled person needs to be substantial and the accommodation should not impose a disproportionate or undue burden on the employer.

Discrimination arising from disability:

The third form of discrimination under section 15 of EqA 2010 is discrimination arising from disability. The employer treats an employee unfavourably as consequence

²¹ *Aylott v Stockton-on-Tees Borough Council* [2010] IRLR 994.

²² *London Borough of Lewisham v Malcolm* [2008] UKHL 43.

of the employee's disability. This is an important improvement in comparison with previous legislation, simplifying the law because it does not require a comparator. Only a causal connection between less favourable treatment and the employee's disability is required.

Indirect Discrimination:

The last prohibited form in section 19 EqA 2010, is indirect discrimination. The lines are clearly set for the first time between direct and indirect discrimination in the context of disability. This section could in future give rise to addressing a group disadvantage. Section 19(2)d EqA 2010, however, allows justification of an indirectly discriminatory provision, criterion or practice if there is a proportionate means of achieving a legitimate aim.

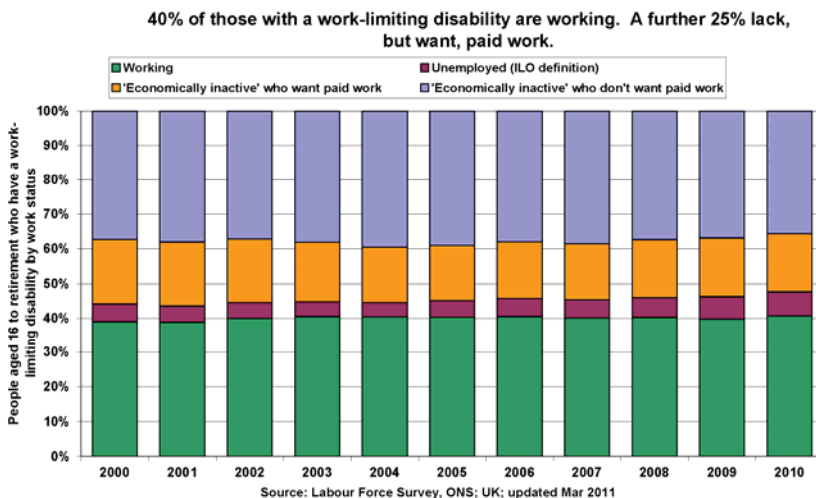
2. THE UK POLICIES: HOW COULD UK POLICIES ADDRESS THE STRUCTURAL DISADVANTAGE THAT DISABLED PEOPLE ARE CONFRONTED WITH IN THE LABOUR MARKET?

Since the Disabled Person Act (Employment) 1944 till the DDA 1995, a dramatic alteration in perception about employability of disabled people could be observed. This is clearly visible in changes in the policies. Many disabled people can compete with their non-disabled counterparts and get the job on their own merits if only stereotypes and discrimination are overcome.²³ The changes in the government policies reflect the shift from the general responsibility of the Welfare State towards individuals who are well equipped with effective discrimination laws so they can compete in the labour market. The changes in policy orientation have been coupled with the general reluctance of the Government to interfere in the regulation of the labour market and to impose a too heavy burden on the employers. In addition, the disabled people movement strongly opposed patronising policies advocating against prejudice and opinion seeing a disabled person as incapable, needing care and special treatment. Those policies have had in the past a detrimental effect on the position of disabled people in employment, deepening the social fissure and preventing them from equal participation in employment opportunities.

²³ P. Thornton, N. Lunt N, *Employment for Disabled People Social Obligation or Individual Responsibility*, University of York publication, 1995.

2.1. Employability

Nonetheless, it is unquestionable that we need strong and effective policies that to an extent would be able to unite the desire of the disabled people to self-determination with some level of protection offered by law. The available statistics collected prior to the DDA demonstrated a high level of unemployment and underemployment of disabled people. The data show that the rate of unemployment among disabled people is three times higher that among non-disabled workers.²⁴ In addition, 22% of disabled but economically active people wanted to take up a job, which is double the number in comparison with the non-handicapped unemployed population.²⁵ In 2009, there were 1.3 million disabled people in the UK, nearly one in five people of working age who have a disability amounted to a total of 18.6% of working population who wanted work, and only 50% of them are employed compared with 80% of those without a disability. The employability of disabled people varies according to their disability. The lower rate, 20% of employability, is found amongst people with mental health problems.²⁶



The average gross hourly pay for disabled employees is £11.08 compared to £12.30 for non disabled employees. Source: Office for National Statistics Labour Force Survey, Jan-March 2009²⁷.

²⁴ P. Prescott-Clarke, *Employment & Handicap*, 1990, London Social and Community Planning Research.

²⁵ *Ibid.*, P. Prescott-Clarke.

²⁶ Office for National Statistics Labour Force Survey, Jan-March 2009.

²⁷ Source: Office for National Statistics Labour Force Survey, Jan - March 2009.

2.2. Underemployment

The second important problem in relation to disabled workers is underemployment.

The study undertaken before the DDA, revealed that the quality of participation was very low, the disabled people were “poorly paid, low-skilled, low status job which were both unrewarding and undemanding”.²⁸ Other signs of underemployment consist of poor possibility of career advancement and insufficient utilisation of disabled peoples skills or lack of opportunities for training. There is a general perception that disabled people because of their impairment need to be in “low-stress jobs” which means jobs without responsibility. And again, the perception is that because of their disability they evoke insecurity and instability because their condition could deteriorate. Their work is conceived as less worthy and easily replaceable. Their employability is more based on charity than on real merits. They are in low skilled and low paid jobs. The number is disproportionately high in comparison with non disabled workers. Consequently they have no job security. The very recent data (2012) show that 23% of disabled people have no qualifications compared to 9% of workers not affected with a disability. In 1993 there were only 12% of disabled people in managerial positions compared with 21% of people without a disability.²⁹ 28% of disabled people in the same survey believed that that their chances for promotion were very slim because of their disability.³⁰ More recent statistics demonstrate that situation is improving. For example, in 2008, 13.3% of councillors were disabled compared to 10.5% in 1997.³¹ The recent Radar statistics show that non disabled workers are twice as likely to be a Board level Director, three times as likely to be a Director or Head of Department and also three times more likely to earn £80,000 or more.³²

²⁸ C. Barnes, *Disabled People in Britain and Discrimination: A Case for Anti-Discrimination Legislation*, (1991, Hurst and University of Calgary Press).

²⁹ www.radar.org.uk/ (Radar 1993).

³⁰ *Ibid.*, Thornton Report, p.3.

³¹ National Census of Local Authorities Councillors 2009 at <http://www.lga.gov.uk/aio/1399651>.

³² Disabled people and supported employment: A research and discussion paper by Anne Kane and Caroline Gooding.

<http://www.radar.org.uk/radarwebsite/RadarFiles/publications/supported%20employment%20final%20report%20july.doc>

2.3. Skills and qualifications

It has rightly been pointed out that to improve the participation of disabled people in the labour market it is necessary to help them to obtain better qualifications. In 2008-2009, one in ten students on undergraduate courses was disabled. The research has also proved that disabled students are as likely as non-disabled students to obtain a good degree.³³

However, although the situation is certainly better than a few years ago, a lot still needs to be done particularly in relation to young people. Twice as many young disabled people are not in work or training in the 19-21 year range; 44% of disabled people are not in education, training or employment as compared to not disabled; and 23% disabled adults are half as likely to have a degree.³⁴ There could be some objective reasons that could justify the lower participation. For example, 17% of adults with disabilities experience restrictions in participating in learning opportunities compared to 9% of adults without a disability.³⁵

The data obtained by Radar 2011 make it clear that disabled people have far less opportunities in choosing their occupation. 50% of disabled people in occupational age work as compared to 79% of not disabled. The pay gap between disabled workers and not disabled is 20% for men and 12% women (Radar 2011).³⁶ The lowest percentage in employment is for people with learning disabilities and mental health conditions.

In recent years there has been a lot of emphasis on tackling the problem in its early stages in order to offer more support to young people. Health Survey for England (2003) reports that 5% of men and women aged 16-34 have a disability or multiple disabilities such as locomotor, seeing, hearing, communicating, personal care, and 1% of them have a serious disability. Among all those in this age group, 26% have

³³ ECRC Triennial Review How Fair is Britain at <http://www.equalityhumanrights.com/key-projects/how-fair-is-britain/>.

³⁴ Ibid.

³⁵ ONS statistical bulletin 2010.

³⁶ <http://www.radar.org.uk/radarwebsite/RadarFiles/publications/supported%20employment%20final%20report%20july.doc>.

two disabilities.³⁷ The Government's manifesto of 2004, the year of Children Act 2004, expressed clear concerns about disabled children and their future and identified five goals that should help them to fare better in life. They should be able to hope for the improvement of their health condition, feel secure, reach their goals and make a positive contribution to the society, and achieve economic well-being.³⁸ In education, the Government underlined that the barriers should be brought down between mainstream and special schools.³⁹ In addition, sufficient financial resources should assist all actions to help disabled children to enter into professional life. In 2005, £ 3.5 billion, accounting for 17% of gross expenditure,⁴⁰ were spent on children in need, of which 15% were disabled. The Independent Living Fund provides for direct payments to carers and disabled children. Since the adoption of The Carers and Disabled Children Act 2000, the access to direct payment was made available to disabled young people between 16-17 years of age. In 2005, 2,265 direct payments were made to carers and 495 to disabled young people between 16-17 years of age.⁴¹ It has also been observed that the aspiration of disabled young people for better education and career patterns has drastically improved in the last 30 years. Burchardt found out that in the 70's the proportion of disabled young people in semi-skilled or unskilled job was six times higher than non disabled in the same age group. In 2005, 62% of disabled youngsters at the age of 16 envisaged further education.⁴² Burchardt's research revealed that in the same year, among those aged between 16-34, 74% of non disabled men were in employment, compared with 47% of disabled men, and 61% of non-disabled women compared with 39% of disabled.⁴³ She also claims that in 2005 a disabled person between 16-26 was four times more likely to be unemployed. The earnings of disabled people by age 26 were 11% lower than non-disabled people.⁴⁴

³⁷ M. Knapp, M. Perkins, J. Beecham, S. Dhanasiri, C. Rustin, "Transition pathways for young people with complex disabilities: exploring the economic consequences", 2008, 32 (4) *Child: care, health and development*, 512-520.

³⁸ *Ibid.*, Knapp et al.

³⁹ *Ibid.*, Knapp et al.

⁴⁰ DfES 2006 in *Ibid.*, Knapp et al, p.516.

⁴¹ (CSCI 2006) in *Ibid.*, Knapp et al. p.516.

⁴² T. Burchardt, *Frustrated Ambition: The Education and Employment of Disabled Young People*, 2005 (Rowntree Foundation, York).

⁴³ *Ibid.*, T. Burchardt.

⁴⁴ *Ibid.*, T. Burchardt.

2.4. The UK policy: strategies

The UK policies in the late 90's put a lot of emphasis on changes in the employers' practices. Thornton points out that employers could be persuaded by financial incentives, increased status or the potential of disabled employee for business gain.⁴⁵ The financial incentives could amount to a relief of employers' national insurance contributions, tax deduction or some financial bonuses for employing disabled workers, or state grants. The employers are occasionally praised by government for employing disabled people as an example of a good practice. But, this goes against the idea that we should focus on merits and ability to work of disabled people rather than to underline their impairment and to make them less worthy. Therefore, incentives could potentially have negative impact on the development of policies of "inclusion" and move away from the traditional perception of disability. Nonetheless, the UK provided financial support that could take many forms. There are some forms of financial rewards for employing disabled people. In 1977, a Job Introduction Scheme was set up according to which an employer was paid a grant towards the wages. The scheme helped in 1988/1989 to employ over 2,000 disabled people.⁴⁶ The scheme has been considered very successful. In 2012, the scheme provided for a job trial lasting 13 weeks. This is an opportunity for the employer to check if the skills of a disabled person correspond with the job's profile. The current grant offered to employers is £ 75 per week. The job could be full-time or part-time and should be expected to be permanent or last at least 32 weeks. The trial will be reviewed by the Employment Service Adviser, meeting both employers and employees.

2.5. Programmes

Currently, Disability Employment Service provides support to employers to hire disabled people or to keep the employees in their jobs if they encounter health problems in their jobs. The DES offers some programmes to increase employability of disabled people. Apart, already discussed in *Job Introduction Scheme* (JIS), the DES is in charge of the *Access to Work Programme* that offers practical help to assist disabled people to remain in employment. The support covers special equipment or adaptation to existing equipment, assistance with travel to work or other forms of assistance.⁴⁷ There is no charge for the assistance provided unless it brings a clear benefit to the

⁴⁵ *Ibid.*, Thornton Report, p. 24.

⁴⁶ *Ibid.*, Thornton Report, p. 27.

⁴⁷ <http://www.nidirect.gov.uk/disability-employment-service.pdf>.

business.⁴⁸ Furthermore, the DES supports disabled people with *the Workable programme* that assists workers to adapt to a particular job, to raise awareness in the workplace or to provide an extra training.⁴⁹ Another initiative sponsored by the DES is *Pathways to Work*, that deals with helping people with disabilities to return to work. Everyone affected with disability can participate in this initiative on a voluntary basis. The *Pathways to Work* offers assistance to progress towards getting a job and finding a suitable employment or to return to previous job. The Pathways to work is supported by the Condition Management Programme, Return to Work Credit And Advisers Discretionary Fund.⁵⁰ The DES provides information, guidance and advice to employers through a Disability Awareness Pack.⁵¹ In relation to other financial compensation, the UK was reluctant to introduce subsidies for reduced productivity. Such a subsidy would endorse an old approach that disabled people are less worthy, less capable and a subsidy would open the gate to consider them as cheap labour.⁵² Nonetheless, in case of severe disability where an employee cannot compete with the others the subsidy could be the only option. The UK launched the *Supported Placement Scheme* where the employer pays only partially the wages, and the State pays the reminder.⁵³

2.6. Incentives

A much more convincing approach that gains popularity across the UK are policies that try to persuade employers that business would benefit rather than lose by employing disabled people. The government preferred to take a non-interventionist approach which focuses on voluntary actions rather than constraints. This can be seen in the willingness to opt for the voluntary partnership in promoting and sharing good employment practices instead of statutory intervention. The way forward is to go ahead with the best business practices, with less emphasis on financial support or statutory constraints. The aim is to encourage rather than force employers to hire disabled people. In the past several initiatives have been taken.

⁴⁸ *Ibid.*, Thornton Report, 28.

⁴⁹ <http://www.nidirect.gov.uk/disability-employment-service.pdf>.

⁵⁰ www.nidirect.gov.uk/work-schemes-and-programmes.

⁵¹ <http://www.nidirect.gov.uk/disability-employment-service>.

⁵² *Ibid.*, Thornton Report, p. 28.

⁵³ *Ibid.*, Thornton Report, p. 28.

Fit to Work:

In the 80's, a "Fit to Work" campaign granted awards to companies with outstanding achievements in the employment of disabled people. Their performance was measured by six guidelines such as recruitment, retention, training, career development, modification and adaptation of the work place. The asset of this campaign was to instil in employers good business practice.⁵⁴

The "two ticks" symbol:

The "Fit to work" campaign was replaced by the "two ticks" symbol awarded for good employment opportunities for disabled people. The "two ticks" symbol is displayed on the recruitment advertisements. The symbol is conferred by Job Centre Plus to employers for their commitments in employing disabled people. The award is assessed according to five commitments in recruiting, training, retention, consultation and disability awareness. Employers need to demonstrate an exemplary attitude towards disabled workers. They have an obligation to interview all disabled candidates who meet the criteria for a job, to discuss with them their performance at least once a year, to discuss how to improve their abilities and to review their own commitments each year. In the first 3 years when the campaign was launched the number of employers conferred with a symbol had tripled. The general statistics for 2012 confirm that 20% of the employers in the UK are interested in this campaign.⁵⁵ The "two ticks" symbol has become very popular.

The UK policies since the 90s have become very proactive, aiming at spreading a good business practice and changing the employers' perception about the potential of disabled employees. The policies aimed to convince employers that having disabled employees would provide a good image for the firm. The idea behind was to demonstrate that there is an unquestionable value for the business to employ them. The long lasting campaign had tried to attract employers' attention on the ability of disabled persons and not on their disability. The argument was that employing a disabled person could be sometimes more profitable for the business than hiring a non-disabled one. RADAR Statistics proved that the attitude of disabled workers at work was 43% better than that of able-bodied workers; as to their attendance, in 70% of the cases it was as good as that of non-disabled.⁵⁶

⁵⁴ Thornton, 29 White Paper 1995: 300 employers using the symbol in 1993, and 950 by the end of 1995.

⁵⁵

http://www.rnib.org.uk/livingwithsightloss/working/lookingforwork/Pages/finding_vacancies.aspx#H2Heading8.

⁵⁶ *Ibid.*, Thornton Report, p. 31.

Supported Placements:

Nonetheless, there are situations, in particular for people with severe disabilities and progressive conditions, where it is hard to convince employers that they could be competitive. In 1994 Supported Placements have been created where the State contributes to the payment of wages. Disabled people are usually employed by a local authority or *Remploy*. *Remploy's* mission is to diminish barriers for disabled people. In 2010/11, *Remploy* helped to find jobs for more than 20,000 disabled people.⁵⁷ The Thornton's research carried out in the 90's revealed that the majority of people in Supported Placements had learning difficulties and the placements were usually in low status and not well-paid jobs.⁵⁸ The UK has not been inclined to use financial support to encourage employers to take on disabled people however the policies aimed at positive action and voluntary good practices.

Training and Learning:

The UK policies focused on training organised by the Training and Enterprise Councils. There are Governmental Schemes offered by the local authorities aiming at training the youth and accommodating people with special needs. The Disabled people have priorities on *Training for Work Scheme* in Scotland, and *Workable NI*, Residential *Training for Adults with Disabilities*, fighting long term unemployment and aiming at improving their skills.⁵⁹ Another scheme is *Learning for Living and Work* that helps them to get qualifications.⁶⁰ The UK Government Strategy was outlined in the LSC document which considers that disabled people's choices in employment will increase by 2025. The policy aims at improving the positions of learners with difficulties aged between 16-25.⁶¹ The new programme: *Through Inclusion to Excellence* establishes a comprehensive system of planning, funding and placement to enable disabled learners to achieve the maximum progress and the maximum possible level of independence.

The UK Government seems to make a continuous trade off between business efficacy and the strategies to insert and keep disabled people in employment. In particular, in recent years there is much more emphasis on making an individual with a disability more competitive. This is coupled with anti-discrimination legislation and

⁵⁷ <http://www.remploy.co.uk/about-us.ashx>.

⁵⁸ *Ibid.*, Thornton Report, p.32.

⁵⁹ <http://www.nidirect.gov.uk/index/information-and-services/people-with-disabilities/employment-support/work-schemes-and-programmes.htm>.

⁶⁰ http://readingroom.lsc.gov.uk/lsc/National/learning_for_living_and_work_complete_2.pdf.

⁶¹ http://readingroom.lsc.gov.uk/lsc/National/learning_for_living_and_work_complete_2.pdf.

an individual right not to be discriminated against. Nonetheless, the Equality Act 2010 does not go as far as the UN Convention discussed before. Job placements for disabled workers are quite limited and offered only to those whose severe disability impede them to become competitive in the labour market.

2.7. The policies for the years ahead

The UK policies have been boosted up by the disabled people movement. In 2010, the disabled people activists have identified a number of goals to be achieved. The first one relates to decent pay. It has been underlined at several occasions that disabled workers should at least be paid National Minimum Wage which is £6.19/hour in 2012 in the UK.⁶² The unpaid trainees and intern roles should be limited to three months with a maximum extension of another three months. Meah and Thornton pointed out that a fair pay gives disabled people a sense of value. A fair pay makes them feel that their position in society becomes stronger since they contribute to it rather than taking out of it in form of welfare benefits.⁶³ Another issue is a pay gap between disabled and non-disabled workers. In 2010, the disability pay gap between disabled and not disabled men was 20% and 12% between disabled and non disabled women.⁶⁴ One way to go forward to close the gap is to enable disabled workers to compete in open employment with some sort of support. There is no clear evidence that that people who require more support are less competitive in open employment. However, another study demonstrated that 45% of people on *Individual Placement or Support* never get to open employment.⁶⁵ The discussion around disabled workers has become more concentrated on their careers.

The new UK policy aims at higher job security, or rather career security. The policy for the years ahead is to endow disabled workers in marketable skills and experience to enable them to be confident enough to find another job if for any reason their employment is terminated. Evidence shows that only 38% of disabled men without qualifications are in employment.⁶⁶ The UK Commission for Employment and Skills would like to see more managerial and professional jobs for disabled workers. The new *Initiative Valuing People and Research* concentrates on improving

⁶² <https://www.gov.uk/national-minimum-wage-rates>.

⁶³ A. Meah, P. Thornton, *Desirable Outcomes of Workstep; user and provider views*, 2005, DWP.

⁶⁴ Hills J., *An Anatomy of Inequality in the UK*, 2010, Government Equalities Office.

⁶⁵ www.radar.org.uk 2010.

⁶⁶ *Ibid.*, Hills J., 2010.

skills of people with learning difficulties. More mentoring would enhance chances of promotion and provide a more sustainable career. This is related to another goal, which is to improve their status in employment. This can be coupled with a third disabled people manifesto: to feel respected, valued, not discriminated or bullied. The last target relates to social interaction and open employment. It should allow disabled people to interact socially in a fully integrated way.⁶⁷ The disabled people activists argue that there is no relationship between diagnosis or severity of impairment and the success in employment. It is important to break the link between different kinds of support and the job settings. The emphasis should be on the career pattern and not on the employment settings. In the future there is much to be done in relation to the choices made by individuals that should align with the individual interests. The Government policies should aim at personalised approach. This should take into account individual learning and social care and long term care, as well as broader social participation.⁶⁸ In addition, those workers with severe impairments and low productivity should have access to voluntary work and time limited-internship with a prospect to be advised on the possibilities of development and moving into a paid job. The new plan is to go ahead with individual placement. The Coalition Government's Plan aims at supporting sustainable careers for disabled people. The plan for the future is to provide more support for disabled job seekers, also to reduce benefit disincentives to employment through a gradual decrease of benefits.⁶⁹ The firms are encouraged to maximise choices for disabled workers to engage them to work with Trade Unions in partnership and more importantly to take up disability equality impact assessments.⁷⁰ The new strategy aims also at a better understanding of all kinds of barriers and difficulties that disabled people struggle with. The new governmental policy envisages to create support systems which are inclusive, enhancing programme participation and addressing inequalities between disabled and non disabled workers. The research conducted in 2009 and 2010 revealed strong evidence of inequality in employment participation. Similarly to previous years, the situation has not changed for those with mental health problems, and only 20% of them are in employment as compared to 60% of disabled workers with other impairments. In addition, there is a very high number of people with mental health problems on incapacity benefits, 43%, and only

⁶⁷ www.radar.org.uk.

⁶⁸ www.radar.org.uk accessed October 2012.

⁶⁹ *Ibid.*, 7.

⁷⁰ *Ibid.*, 7.

0.7% of them are involved in the *Access to Work Programme*.⁷¹ The Perkins report recommends better information and awareness raising for those with mental condition. They usually fear losing the Disability Living Allowance, believing that entering employment might trigger a review of their individual situation. The policy should be clear, reassuring them that taking up employment does not have any consequences on a review of their Disability Living Allowance. Another recommendation concerns free prescriptions for medication for people with mental health condition for a long period over 6 months without distinction if they are in employment or not. This is available in Scotland but not in the UK. Once they enter employment they need to pay for prescriptions in the UK. This has a dissuasive effect on the people with mental impairment's attitude to take up jobs.⁷² Again, the report stresses the importance of career development, training and apprenticeship. The professional development for people with mental conditions is offered through *Train to Gain programme* and more willingness for younger people to engage in it. There are also strong recommendations on adjustments for people with mental health conditions such as reduced hours, breaks, and the additional time for assignments. New initiatives should be launched and funding provided for learning support, but monitoring progress and general outcomes is also crucial for the new strategy.

As previously discussed, people with mental conditions suffer all sorts of disadvantages. There is a lot to be done to improve their chances to find employment.

⁷¹ Perkins R et al, *Realising Ambition: Better Employment Support for People with Mental Health Conditions*, 2009 at dwp.gov.uk.

⁷² *Ibid.*, Perkins, 76.

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The table below illustrates earnings of people with mental conditions

**Table: Illustrative examples of gains to work calculations: Return to work at 16 hours per week on the National Minimum Wage*
Workers with mental condition**

	Out of Work Income			In-work Income			Personal contribution to housing when entering work (assuming out-of-work HB/CTB of £90/£15)	Gain to work	
	Income Support/JSA	Tax credits and Child Benefit	Total	Earnings at 16 hours National Minimum Wage	Tax credits and Child Benefit	Total		Excluding housing costs	Including housing costs
Single person	£64.30	0	£64.30	£92.80	0	£92.80	£20.00	£28.50	£8.50
Single person with child ¹	£64.30	£73.30	£137.60		£145.20	£238.00	£32.70	£100.40	£67.70
Single disabled person**	£91.80	0	£91.80		£84.80	£177.60	£41.60	£85.80	£44.20
Single severely disabled person***	£158.10	0	£158.10		£105.40	£198.20	£2.80	£40.10	£37.30

* 2009/10 Benefit Rates and October 2009 National Minimum Wage Rate: £5.80 per hour.

** Receiving the Disability Premium in IS and qualifying for the Disabled Worker Element of Working Tax Credit.

*** With maximum disability-related premiums for Income Support and maximum disability-related help in Working Tax Credits. Disability Living Allowance is not included in either in or out of work income as this benefit can be received in or out of work⁷³.

Besides a particularly low rate in employment of people with mental health problems, other groups such as religious or ethnic minorities experience problems if combined with disability. Only 47% of disabled Muslim men and 24% Muslim women are employed, mainly due to lack of information.⁷⁴

3. THE POLICY IN HIGHER EDUCATION. SPECIFIC EXAMPLE: THE UNIVERSITY OF YORK

The University of York can be proud of some particularly good practices regarding students and staff with disabilities. The Disability Equality Scheme 2009-2012 was designed to help all students and staff to achieve their full potential and its

⁷³ *Ibid.*, Perkins R., 4.

⁷⁴ Hills J., *An Anatomy of Inequality in the UK*, Government Equalities Office 2010.

implementation seems to be very satisfactory. The scheme was followed by the Action Plan 2009-2012 and aimed to address the problems identified in the previous policies. Its progressive approach picks up on the major backdrops of the national policies and addresses at the University level some lacunas visible in the current legislation. The issues considered at the beginning of this contribution, such as social model of disability or shifting from the impairment towards the removal of barriers, have been addressed in the York University documents. Thus, the University of York adopts Social Model of disability with the main emphasis on the removal of barriers. Its policy favours the individual approach to different types of disability such as dyspraxia or hearing disorders. In 2012, there were 900 students with disability, 40 from the EU and 70 from overseas, monitored by students support committees. The University of York has currently 13,000 students and 3,200 staff. The buildings and access to them satisfy the disability policy requirements. All new infrastructures have the exemplary disability facility.

The University contributes financially to treating every case separately and provides access to Learning Funds for the staff and for the students trying to match their individual needs. It pays a lot of attention to monitoring the implementation of those policies and recording progress. The Action Plan in Section 7 assigns the role to senior managers who have overall responsibility to monitor the disability policy. The Disability Equality Scheme Working Group has been formed to support the senior managers, staff and committees in the application of this policy.

One of the roles of Disability Equality Scheme Working Group is to supervise and overlook progress related to the following issues: involvement of people with impairments, aid with assessments, identifying a need for new or revised objectives, and identifying barriers which are outside the University's control. Another issue concerns gathering relevant information from the departments and sharing good practice. Annual progress reports on the Disability Equality Scheme are intended to be discussed at the Equality and Diversity Committee and later they should be available on the University website.⁷⁵ The University adopts a holistic approach ensuring that the disability policy permeates at every action plan at all levels and that the Disability Equality Duty is embedded in the University's highest-level planning and that our actions to support it are transparent. The policies are reviewed regularly. The next revision of The Disability Equality Scheme is planned for the autumn of 2014. The last Disability Equality Scheme 2009-12 was organised according to the priority themes, some sections have been revised to take account of information gathered throughout the past three years. For example, "E-Accessibility" (added to the Action

⁷⁵ <http://www.york.ac.uk/student-support-services/disability-services/>.

Plan in January 2008) has been included in Communications and a new “Monitoring” section has been created. From the last revision it has emerged that there is a large support network for students with disabilities, but the support for staff with impairments needs to be improved. The policy has changed accordingly “Student Support” is now “Student and Staff Support” and action points have been added to address this need. The Law Department is relatively new, since it was created in 2008, and this gave us opportunity to design our departmental disability policy from scratch. The building where the Law School is located was built two years ago with the newest technology, and it is endowed with the impressive facilities suitable to accommodate disabled students and staff. This academic year 2013/2014, we have 32 students with disabilities studying law, and their disability covers a wide range of issues such as Dyslexia, Dyspraxia, Crohns, Diabetes, Nystagmus, Irritable bowel syndrome, cerebral palsy Bi-polar, Aspergers, Irlen syndrome, HIV and PTSD. Students with dyslexia and dyspraxia get help with organising from central support, and within the Law School we do not penalize them for spelling or grammar; we give them extra time in exams and make sure they have materials in advance to help them. The help for other forms of disability varies vary from allowing them to take medication into exams, being near a toilet for exams, or having extra time for them. If they are having a bi-polar episode there is nothing we can do except give them another opportunity for exams. The examination arrangements depend on the students’ needs. The special examination arrangements include extra time, use of a scribe, use of a word processor, a sticker to say they should not be penalised for bad spelling and grammar, sitting in a room on their own so they can move around and be close to a toilet if they have IBS. In relation to the teaching methods we make sure that lecture slides are available on the VLE 24 hours prior to the sessions, we allow students to record sessions and some of them have scribes to take notes in the sessions. The teaching staff should make sure that they use the correct size and colour for slides and hand-outs so they can be read easily. Other support can be obtained from the Open Door team, so they can help with things that can be brought on by stress or depression. Recently our disability Officer drafted a new policy regarding disabled students’ applications to the Special Circumstances Committee. There will be a sub-committee reviewing the cases of disabled people, the procedure will be shorter and simpler if the application is related to their disability. Finally, our Law School is very committed to increasing employability of our students. We work closely with some law firms that offer them work placement and a variety of summer placements. We are currently offering a placement to two disabled students, one in second year and the other in third year, with one of the of the world’s leading law firms, Herbert Smith Freehills. We have a

career officer, a member of staff in charge of ‘making our students more employable’ who reassures our disabled students that their disability is not an obstacle in their future career. He works closely with EmployAbility, very present in our Law School.⁷⁶ EmployAbility, a non-profit organisation looks after students and graduates with all disabilities, including dyslexia or long term health conditions, and provides all sorts of measures to ease the transition from education to employment.⁷⁷

4. CONCLUSION

This paper intends to elucidate some nuts and bolts of disability legislation, the policy considerations and its inconsistency, and the York University Policy towards students and staff with disabilities.

The first point to make that draws from the content regards the disability legislation. The Equality Act 2010 mainly incorporated previous legislation on disability and the changes to the definition, and some clarifications overall appeared mainly cosmetic. The Act could be considered to an extent as a lost opportunity to align the concept of disability with the UN Convention on the same subject. The definition still focuses on impairment and it is unnecessarily complex. It does not go beyond medical model of disability.

The second point that merits attention regards the governmental policies. Initially, they focused on incentives and financial support involuntarily accentuating the difference between disabled and not disabled, thus, aggravating exclusion not inclusion. Nonetheless, this negative impact of government policies has been certainly minor than on continent due to the generally non-interventionist government approach into the regulation of the employment market. After 2005 the policies were generally good, and significantly improved the employability of disabled people. Nonetheless, some issues need to be addressed. Employability of people with mental health problems is very low. Re-employability of disabled people should also be improved and more emphasis should be placed on young people in their first jobs. One of the points to be addressed in the future is to concentrate on the career pattern. There is a lot of incongruence between disabled people skills and the needs of the current and future economy. The Coalition Government’s plan aligns with the EU Commission strategy on fighting poverty, and it advocates that integrated support for disabled people careers would make a huge improvement in the quality of life of disabled people.

⁷⁶ <http://www.employ-ability.org.uk>.

⁷⁷ <http://www.employ-ability.org.uk/students/services>.

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The final point refers to the York University Policy and the York Law School. The policy is regularly reviewed and up-dated. It emphasises the importance of monitoring and supervision. Furthermore, the York University offers training and workshops on disability to raise awareness and sensitivity towards disability. The Law School accommodates the disabled students with care and attention and is improving its policy on a case by case basis. Comparing with other Universities on continent I would like to say that our policy is exemplary, partially because we are a new Law School and were offered a new infrastructure. We are also a small Law School, a fact that allows us to offer an individual approach to any disability.

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