









# **Expert Meeting**

# on Trade Union Actions to Promote Decent Work for Persons with Disabilities

15th and 16th May 2017

International Labour Organization - Headquarters - Geneva, Switzerland

ACTRAV

Bureau
for Workers'

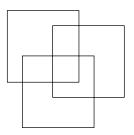
Activities

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Growing inequality, marginalisation and division are not phenomena of the world of work, but "the consequences of what we do, how we behave and what we decide."

Guy Ryder, ILO Director General in his opening remarks at 105th ILC

### Foreword

Disability is at the heart of action and debate on decent work and social justice. ACTRAV considers it fundamental to promote this agenda, with the aim of mainstreaming the rights of people with disabilities and implementing those rights in all aspects of the ILO's work.

This experts meeting sought to address trade union actions on disability in the global and multi-sectorial forms of decent work: from internal organization to partnerships with other civil society organizations including the results that emerge from this social dialogue framework with regards to norms, employment and social protection. All these questions are crucial to building inclusive labour systems for people with disabilities.

In addition to disseminating ACTRAV's research "Trade Unions Action on Decent Work for Persons with Disabilities: a Global Overview" and raising awareness regarding the inclusion of persons with disabilities and the relationship between this and decent work, the experts meeting identified ways forward for both trade unions and the ILO itself. This is also a good example of joint work across ILO units (including ACTRAV and GED) and the international trade union movement, through the International Trade Union Confederation (ITUC) and Global Union Federations in the design and implementation of actions.

Specifically, the objectives of this meeting were to

- Promote and develop trade union alliances and partnerships to guide further actions in this area;
- Disseminate research and demonstrate practical actions that trade unions can take regarding disability rights;
- Identify actions for ACTRAV and the ILO to further support trade union work on disability.

The positive and fruitful discussions provided a key step towards a strategic change in the trade unions focus/orientation on the matter. It allows ACTRAV to further design and pursue its actions, supporting the capacity of trade unions towards the organization of decent work for people with disabilities at a national, regional and global level.

This publication also gives us the opportunity to thank Peter Fremlin, Sandra Vermuyten, Eric Carlson, Faustina Mukazi Van Aperen, as well as all the speakers, participants and ILO officials who opened new perspectives to ensure the effective progress of trade union action towards social and labour inclusion of people with disabilities.

Maria Helena Andre Director Bureau for Workers' Activities (ACTRAV)



# Summary of Conference Proceedings

The experts meeting brought together trade union representatives from all over the world, as well as specialists and civil society representatives to discuss the role trade unions can play on disability inclusion and decent work for persons with disabilities. Research providing a global overview of trade union actions in this area was presented to participants for their review and endorsement and to guide the formulation of the next steps. The experts meeting confirmed the results of the research, finding many significant actions by trade unions on disability rights. It also affirmed the need to further develop these activities in an integrated labour organization framework and to do so through collaboration and partnership between different types of stakeholders.

The conference itself opened by asking whether trade unions are doing enough on the rights of persons with disabilities. It began by describing the historic role of trade unions in contributing to decent work and social change; and the international frameworks of the UN Convention on the Rights of Persons with Disabilities. Sustainable Development Goals and ILO Labour Standards. The ACTRAV global overview paper was acknowledged as capturing the extent of action accurately. Furthermore, ACTRAV was appreciated for having developed the research in a collaborative way.

During the two days, many important examples of trade union action were cited, from the extensive engagement in Canada between the disability and labour movements, to Uruguay with its trade union support of a private sector law on disability inclusion, as well as examples from the Philippines, Netherlands, the company Carrefour (France) and many others. In many cases, it was shown how the ILO's work and expertise have already guided or motivated this work in different contexts particularly in the four strategic objectives of decent work: social dialogue, international labour standards, employment and social protection.

Throughout the conference, it was affirmed that. first, disability is a relevant issue at the heart of trade union concerns; and, second, that trade union action must be strengthened further for sustainability and impact on the organization of decent work. More programming is needed, and mindsets also need to change. The challenge is how to thoroughly integrate this into trade unions and their activities in substantial ways to obtain effective social and labour change at the national, regional and international level, for persons with disabilities.

Especially important in moving forward are the different partnerships needed to achieve these objectives: massive mobilization and engagement for the inclusion of persons with disabilities and the application of international labour standards are key for success. The need for their rights to be addressed in a tripartite manner, the importance and benefits of engaging Disabled People's Organizations, as well as those working on disability issues was raised as well. Other partnerships, including those between developed and developing countries, and the inclusion of disability rights in international technical cooperation were also highlighted.

Several Global Union Federations were represented at the conference, as well as several units and departments from the ILO. This presence shows the scope for collaboration in taking this issue forward. Interactions between participants, and the determination to use the knowledge shared to move ahead on these issues also showed the importance of this type of dissemination. In addition to the specific actions of trade unions, the conference also helped to establish an ACTRAV plan on how to take further action on disability rights.



# Detailed Summary of First Day

#### **OPENING SESSION**

#### Maria Helena André,

Director, ILO-ACTRAV

Disability issues are at the heart of the action on the inclusion, accessibility and promotion of equal rights that are crucial to the implementation of decent and productive work and progress in social justice for all. Disability is a subject that should be of interest to all trade unions in the world. As such, it is very appropriate for ACTRAV to support trade unions in their actions on decent work for persons with disabilities.

People with disabilities face multiple obstacles in their attempts to gain employment. Some of the most significant are attitudes and cultural barriers. The solutions include quality services, education and training, and these should be shored up by the right to dignity and decent work.

Workers' organizations have an important role in making this happen. As the research presented at the conference shows, action is taking place, but it needs to be a part of a full and coherent program on organizing decent work for obtaining an effective and sustainable positive change. Based on this observation. ACTRAV will establish an action plan to support workers' organizations to take the trade unions' action on disability a step further.

The research has shown exemplary cooperation with other ILO departments, and there is a need to both bring disability further into the work of the ILO, and address it in a tripartite manner that engages the social partners to secure a better social and economic place for people with disabilities.

#### Catalina Devandas

UN Special Rapporteur on the Rights of Persons with Disabilities

People with disabilities must be a central part of the agenda, and this is a matter of social justice. Both the Convention on the Rights of Persons with Disabilities and the inclusion of disability in the Sustainable Development Goals affirm this.

Trade unions pla y a crucial role in challenging prevalent unemployment of persons with disabilities. They can help to promote employment, improve workplace conditions and support workers who acquire disabilities. Beyond this, trade unions can help to ensure income security and promote employability and effective access to benefits and support services.

In addition to the organisation of decent work, addressing disability issues can raise awareness of the rights of persons with disabilities and put disability on the public agenda. Partnership with Disabled People's Organizations will help to develop a broader social agenda.

Catalina Devandas mentioned the cost of exclusion of Persons with Disabilities in the GDP of a country, which can range from 3 to 7%. She also informed the participants that, compared to the Millennium Development Goals, "people with disabilities" are mentioned for the first time in the Sustainable Development Goals. In the context of decent work, Target 8.5 states "By 2030 achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value".1

<sup>1 -</sup> See also Target 4. 5. By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations

#### Shauna Olney, Director, ILO-GED

Promoting decent work for persons with disabilities is a responsibility across the ILO. Trade unions are essential in moving this agenda forward – and while many have worked already on this subject, it will be new for others. This offers the possibility of new partnerships with disability organizations as well as a change of mindset around disability.

Jobs for the future will not only need new skillsets. but also new mindsets. As such, work on disability will shift the focus to identifying and removing barriers. This would include addressing the situation of women with disabilities who are even further disadvantaged, as well as respecting the diversity among persons with disabilities.

#### Rosa Pavanelli,

General secretary PSI and Chair Global Union Federations' Council

The inter-sectoral approach that the ILO is proposing is important to deal with this issue. Already there have been positive developments since the ILO/PSI meeting on public sector trade unions and disability in 2016.

The Council of Global Unions is very much engaged in promoting the rights of workers with disabilities. Furthermore, PSI supports a rightsbased approach and inclusion in all aspects of life. Particularly important is the right to education for all children.

These should be the first steps in guiding future work on disability. In addition, this important issue must be included in all trade union demands in its dialogue with the social partners, especially with the government. The government's role is particularly important. Both privatization of public services and austerity measures negatively affect workers with disabilities and those who are using the services.

Some issues that need to be addressed include:

- Mainstreaming of disability and persons with disabilities in the trade unions 'policies and programs;

- Focusing on public sector employment of persons with disabilities as a vehicle to drive employment growth;
- Defending public services, social security and social protection for all:
- Including the issue of education for children;
- Promoting public services that assist workers with disabilities and their employers;
- Maintaining labour inspection activities.

#### Raquel Gonzalez, Director, ITUC Office Geneva

Several trade unions are doing work on disability issues and promote decent work for persons with disabilities. There are a range of ILO instruments that are very relevant to these issues. ILO Convention (159) on Vocational Rehabilitation and Employment calls on member states to adopt policies on vocational rehabilitation and employment of disabled persons and to consult employers and workers on the implementation of these policies. This Convention is also an important tool to engage employers in the public and private sectors to include workers with disabilities on an equal basis. Conventions 87, 98, 100 and 111 are also key in promoting decent work for persons with disabilities. Working on disability allows trade unions to increase their relevance in promoting social change: it allows unions to increase their membership and negotiate better working conditions. In concluding her speech, Raquel Gonzalez also remembered Janek Kuzckiewicz, former Director of the Human and Trade Union Rights Department of the International Confederation Free Trade Unions (ICFTU) and then of the International Trade Union Confederation (ITUC). "He remains for us a model of how people with disabilities can also bring their enormous contribution to building the capacity of trade unions worldwide" she said.2

2 - https://www.ituc-csi.org/ituc-mourns-the-passing-of-janek

#### Nezam Qahoush. ILO-ACTRAV

The results from the research are encouraging on the global level, showing that trade unions are active in this field, whether they are in low, middle or high-income counties. All trade union processes should try to include disability, and different departments within the ILO, as well as the Global Union Federations can work towards achieving this. Stronger partnerships can also be

formed with civil society. Thanks to the fruits of this experts meeting, the ILO, with its partners, will be able to make an action plan to go forward.

#### Anna Biondi. Deputy Director, ILO-ACTRAV

A question was presented to the conference: are trade unions doing enough on disability?

#### STATE OF AFFAIRS: TRADE UNION ACTION ON DISABILITY

#### Eric Stener Carlson, ILO-GED

Eric Carlson introduced the importance of language when discussing disability and how that relates to different ways of thinking and acting on disability issues.

#### Peter Fremlin, ILO Consultant

He shared the results of global research on disability and trade unions. Including persons with disabilities makes trade unions better for the following reasons:

- It is at the heart of what unions do:
- It is relevant in different contexts around the world:
- It contributes to the organization of decent work;
- It offers new partnerships and ways forward.



#### Jose Maria Fernandez

Senior Advisor and Former "Adjunto Confederal" in Social Policy in CS.CCOO, Spain

Jose Maria Fernandez thanked the ILO for an excellent report. He shared the experience from Spain, where they did not seek to identify the number of disabled workers in the union, because they saw this as discriminatory (albeit not accompanied by a specific service). Rather, they made sure that actions applied to all, and made efforts to break the stereotypes restricting work on disability to certain areas or people. He emphasized that persons with disabilities were workers like any other.

#### Faustina Van Aperen, ILO-ACTRAV

Work on disability should be seen as part of the approach to decent work, and hence, it should contribute to social cohesion and social justice. Unions need to commit and mobilize around this issue, and, from our side, we should look at how to better assist them in their initiatives. Decent work starts at home, within the union, and through boosting unions' own capacities. Through the process of obtaining effective change, the programme of the meeting was focused on the improvement of knowledge, mobilization, engagement, and action on some key labour institutions whose provision of services should be disability-inclusive.

#### **CHALLENGES AND OPPORTUNITIES FOR TRADE UNIONS WORKING ON INCLUSION AND DECENT WORK** FOR PERSONS WITH DISABILITIES

Group work conducted by language group.

#### Selected points:

- Many areas present both a challenge and opportunity;
- Challenges are interrelated and so need to be tackled jointly (e.g. the range of things that need to be done to include persons with disabilities in decision making);
- Awareness-raising also needs to challenge "myths" around disability. More data is needed to better understand the situation of disabled people;
- Trade unions need to do a range of things in order to reach a "tipping-point" on disability inclusion. Much of this includes internal strengthening of the trade union itself:
- Disability issues need to be taken out of a specific silo and seen as cross-cutting through interdependent labor institutions: awareness; legislation; work within trade unions themselves; economic policies; resourcing; partnerships and social dialogue; accessibility.

#### **EXPLORING WAYS TO STRENGTHEN TRADE UNIONS' STRATEGIES** AND ACTIONS FOR DECENT WORK FOR DISABLED PEOPLE

#### **Neil Alldred**, Disability Aid Abroad

Global Solidarity Committees have been funding work on disability, and this has been a two-way learning process. Neil Aldred noted, in particular, work in Ethiopia, Rwanda, Tanzania and Uganda. Three main conclusions arose from this work: it is not difficult; it is not hugely expensive or hard; and disability work is a fundamental part of trade union activities. Disability is a bridging mechanism between union work in the Global North and Global South.



#### Azza Taalab, ILO-Staff Union

The research shows the range of actions trade unions can take on disability issues. AzzaTaalab referred to her own experience when the ILO staff union assisted her with her own position. Unions can join forces and take further action to work with civil society organizations as well as with organizations of persons with disabilities, in order to empower persons with disabilities, and make them more visible.

#### Henrik Moller, ILO-ACT/EMP

ILO has been working on disability historically. Since 2010 a Global Business and Disability Network was formed, and it is now a relatively mature network. Henrik Moller saw ACTRAV's initiatives as very positive, and that there was good scope for ILO-ACTRAV and ILO-ACT/EMP to work jointly and in parallel on disability.



#### Carmen Veldhuis, Federatie Nederlandse Vakbeweging (FNV)

Carmen Veldhuis referred to collective bargaining around sheltered workshops in the Netherlands (which are members of FNV). The government did not want to bargain, but, since 2014, a strong mobilization of shop stewards succeeded in obtaining development plans on this topic. Originally, sheltered workshop members were not seen as "real workers" - lobbying, publicity and perseverance were crucial to overcome this perception. Workers occupied several town halls and government offices, 7,500 sheltered work members protested in The Hague, and 22 shop stewards were arrested (which resulted in free publicity and support). A new collective agreement in 2015 stipulated wage increases and job quarantees.



#### Carlos Carrion-Crespo, **ILO-SECTOR**

A recent ILO study, "Promoting Constructive Approaches to Labour Relations in the Public Service", has shown the role of collective bargaining, including on disability issues. Collective bargaining can change the culture of the organization, its relation with others institutions and can increase inclusion. There are different frameworks for approaches covering a range of activities.

#### **Open Discussion**

- The importance of having a strong trade union to be able to work effectively on disability;
- The Africa Union has recently agreed to establish an architecture for work on disability<sup>3</sup>;
- Beyond having a strong union, it is essential to have political will to act on disability;
- What is the role of development cooperation in supporting programmes of workers with disabilities? (This needs to be put on the agenda, such as gender equality and the participation of women which were previously included).

3 – See §12-13 – 23 point 3 in the concept note of Specialised Technical Committee on Social Development, Labour and Employment (Algeria 24-28 April 2017) https://www.au.int/web/sites/default/files/ newsevents/conceptnotes/32162-cn-concept\_note-\_final\_2nd\_stc\_ on sdle-2017-enalish.pdf



#### Lauro Jr Purcil,

Public Sector Labour Independent Confederation, Philippines

While there are developing frameworks on disability in the Philippines, disabled people still face a range of challenges. Two of these are increasingly-precarious work in the public sector and the lack of resources to sustain full participation of disabled people in forums and other areas. PSLINK has formed the Government Union for Integration of Differently-Abled Employees (GUIDE). Advocacy and lobbying on a range of issues has included work on an Alternate Budgeting Initiative which includes disabilityspecific points.

#### Sheryl Burns Co-Chair,

CUPE's National Women Committee, Canada

CUPE has a long history of relations with civil society organizations, and the work of disability is influenced by both civil society and disability agendas. It is important that persons with disabilities and trade unions are visibly seen in the larger struggle around decent wages. Committees for persons with disabilities exist at national and provincial levels to advise the unions. CUPE has been in a national campaign on disability rights which has worked closely with civil society. Outreach was crucial to demonstrating that unions are allies and have interest in promoting the rights of persons with disabilities. Lessons learned include that perseverance is key, and that civil society and labour organizations do not always see eye-to-eye, so there is a need to find common ground.

#### Alexandre Cote, International Disability Alliance (IDA)

Very few disability organizations are familiar with the work of trade unions. If someone both belongs to a trade union and works in the disability movement, then these issues can be more easily integrated. Disability organizations are often unfamiliar with the benefits of working with trade unions (who represent those already working). Disability organizations tend to focus on the disability problem. Trade unions need to move away from prejudice on disability. Social security and social protection are discussions that are held separately. Trade unions may have things to teach disability organizations that are not specifically labour-related, such as organization and advocacy skills. There are some tough issues where people might disagree, and joint activities are needed, in order to see the commonalities. There is a much broader scope of discussion and collaboration with trade unions now than 10 years ago, and Disabled People's Organizations can also build on that.

#### Carlos Clemente, Força Sindical, Brasil

The Union of Metalworkers in Osasco, São Paulo, represents 40,000 workers in 12 cities. The legal quota in Brazil is only fulfilled at a rate of 31% nationwide, but the Metallurgical companies of Osasco and the Region of São Paulo, fulfill 105.6% of the quota (in December 2016). Inclusion of people with disabilities is not a one-sided objective: it cannot be just for the union, or for the employers; it has to involve everyone and every organization in the society in order to be successful.





- Prospective civil servants in Senegal were eliminated from recruitment because of their disabilities. Trade unions advocated for them to join the workforce. NGOs and trade unions complement each other. For their part, NGOs can provide practical support in follow-up and training:
- The Gabon Trade Union Federation expressed its commitment to work together towards integration;
- The Ethiopia CETU is developing a guide on collective bargaining that facilitates stronger working relations on disability with employers and government;
- France has a fund to manage contributions from employers that do not fulfil guota legislation. There was a mention of persons with disabilities facing discrimination in internal promotion.



# Detailed Summary of Second Day

#### **HOW CAN LEGAL FRAMEWORKS HELP TRADE UNIONS** PROMOTE THE RIGHTS OF PERSONS WITH DISABILITIES?

#### Stefan Tromel, ILO-GED

General messages of the UN Convention on the Rights of Persons with Disabilities are its positive vision of disability and the interrelated nature of rights. The employment article clearly states that the objective is to promote "inclusive" employment. Another important feature of the CRPD is its focus on reasonable accommodation. The monitoring process of the convention is intense, through the Committee on the Rights of Persons with Disabilities which meets ten weeks per year, giving detailed recommendations to Member States, in a process that civil society is involved in. Employment is not just about getting a job, but also about decent work and providing the same opportunites for career development. To achieve this, a range of social and labour services are needed, and mainstream employment and training related services will be inclusive.

#### Anna Torriente, **ILO-NORMES** Departement

ILO Convention 159 is complementary to the UN Convention and has been ratified by 83 ILO member States. "

Equal opportunity and treatment' is often interpreted to include access on an equal footing to education and training."

Tripartite-plus dialogue (including disability organizations) is stipulated in the Convention. Trade unions have a range of potential actions and should consider using the complaints mechanism within the Convention.

#### Sr. Martin Nieves, PIT-CNT Uruguay

PIT/CNT in Uruguay has a commission on disability. Its plan of work includes devising a law on disability (for further inclusion in the private sector), systematizing information, establishing a permanent round-table on disability, and developing awareness materials. Historically, different models of quota legislation have been used, but it is necessary to develop them further to support existing legal frameworks. Because of this, the priority is being given to the development of the new law in Uruguay.

- Colombia is using the ILO Recommendation 071 - Employment (Transition from War to Peace), 1944 in post-conflict peace-building, and is working especially on the inclusion of persons with disabilities in rural areas;
- The legal framework has helped Prospect Union in the UK, which has been working with neurodiversity in the field of science, technology. mathematics (STEM). enaineerina and Partnerships with the British Autistic Society and Dyslexia Adult Network have helped in their work.

#### **HOW CAN ILO HELP PUBLIC AND PRIVATE ENTERPRISES** MORE DISABILITY INCLUSIVE?

#### Daniel Cork, ILO-Better work

Daniel Cork discussed how to make workplaces more equitable and inclusive by changing attitudes towards people with disabilities, and getting trade unions' involved in disability inclusion. He introduced the actions of the ILO programme "Better Work" on disability in Indonesia.

#### Marcel Aragones,

Syndicat FGTA, Force Ouvrière de Carrefour Hypermarchés, France

Carrefour is part of the ILO international network on business and disability. It has 11,200 employees with disabilities around the world. In 1999, the first social agreement was made that included disability, and in 2005 Carrefour introduced its first disability committee. In Brazil, the Carrefour programme "we practice inclusion" has been carrying out disability-related initiatives, while Carrefour in Belgium and Poland have similar initiatives. Carrefour gives clients with disabilities the same level of treatment and also provides adapted facilities.

#### Baba Aye, Health and Social Services Officer, PSI

There are particular challenges in crisis and postconflict situations. Discussion around reviewing Recommendation 71 will address this. In rebuilding infrastructure, the rights of persons with disabilities need to be kept in mind. Trade unions should work with disability-friendly employers and the business network.

- UNI Global has global framework agreements covering more than 10 million workers. UNI Global has a model clause on equality and is developing one on equality for persons with disabilities;
- It is important to start with providing adequate education for persons with disabilities;
- Special attention and support should be given to persons with disabilities in fragile, conflict and disaster contexts, as crises affect these persons disproportionately. To boost the employment,



- self-reliance, and income-generating capacity of persons with disabilities, the ILO adopts a twin-track approach through i) disabilityspecific actions, and ii) general initiatives that are inclusive of persons with disabilities. The ILO guide on Employment and Decent Work in Situations of Fragility, Conflict and Disaster recommends that persons with disabilities are consulted, involved and included in crisis response decisions and actions4;
- The draft revised text of Recommendation 71, which will be finalized and adopted by the International Labour Conference at its 106th Session in June 2017, specifically calls for crisis response measures that provide persons with disabilities, including those who have acquired a disability as a result of a conflict or disaster, with opportunities for rehabilitation, education, specialized vocational guidance, training and retraining, and employment<sup>5</sup>;

- Trade unions have a role in mainstreaming protection and inclusion of persons with disabilities in countries emerging from conflict;
- Public employment agencies can be good partners in supporting the integration of persons with disabilities. PES implement measures to prevent this group from becoming discouraged workers and from withdrawing from an active job search. They also help in reducing bias in recruitment practices, making adjustments to the workplace, adapting job descriptions and preparing co-workers for the smooth integration of disabled workers:
- Reasonable accommodation plays an important role in the elimination of discrimination in employment (see ILO's recent practical guide "Promoting diversity and inclusion through workplace adjustments" 2016).
- 4 Employment and decent work in situations of fragility, conflict and disaster, ILO (2016), Paragraph 5.6. Available at: http://www.ilo.org/ employment/Whatwedo/Instructionmaterials/WCMS 141275/lang--en/index.htm
- 5 See http://www.ilo.org/global/topics/employment-promotion/recoveryand-reconstruction/WCMS\_396254/lang--en/index.htm

#### **HOW CAN ILO HELP TRADE UNIONS MAKE PUBLIC AND** PRIVATE ENTERPRISES MORE DISABILITY INCL

#### Group work conducted by language.

#### Selected points:

- There is a need to reach out, educate and engage employers on disability issues;
- Trade unions should take leadership on this issue, and integrate disability into their work (e.g. collective bargaining and other mechanisms that enhance their institutional capacities);
- Integrating disability into post-conflict peacebuilding is key to the reconstruction process;
- Trade unions can work with other institutions and organizations "beyond the factory";
- International cooperation should include a focus on disability issues, as a factor for strengthening of public and private labour institutions;



- Trade union work should be informed by ILO Convention 159 and other instruments, such as the UN Convention on the Rights of Persons with Disabilities<sup>6</sup>.

6 – ILO Code of Practice – Managing Disability in the work place, 2001

#### **INCLUSIVE SOCIAL PROTECTION SYSTEMS FOR PERSONS** WITH DISABILITIES

#### Nikola Wachter, Education International

It is important to see education and social protection in a rights-based way. Inclusive education makes an important contribution to social integration. Working on education means working with both children and staff. Education International and its affiliates are working both on improving education for all and ensuring that persons with disabilities can become teachers.

#### Nilton Freitas, BWI - Building and Wood Workers' International

Social protection systems in Latin America are, in general, restricted to specific groups. They should take on the role of generating quality employment and formalizing the informal sector. Amplifying social coverage should be seen in terms of solidarity and as an investment. Trade unions can make persons with disability more visible to the State and overcome the stereotype that they are unemployable. More partnerships with a wider range of stakeholders can achieve this.

#### Caroline Khamati Mugalla, East African Trade Union Confederation

Disability-related social welfare in Africa is normally focussed on poverty and does not take into account specific challenges (such as education, health, employment, etc.). Social dialogue should address barriers, and social protection should go beyond the traditional welfare approach. It is important to involve persons with disabilities themselves – "If you're not on the table, someone is serving you on the menu". Trade unions can use social dialogue and forums to further push these issues. Formalizing the informal economy is especially important, as many disabled people are in the informal economy.

#### Christina Behrendt, **ILO-Social Protection**

Disability inclusion in social protection requires not only adequate disability benefits and support for persons with disabilities, but it also requires their full inclusion in mainstream schemes. Access to disability benefits depends on the fulfilment of eligibility criteria, which usually combine the assessment of a person's disability status (disability assessments) with an assessment of his/her poverty status (meanstests, proxy means-tests) or contribution record (for social insurance benefits). Each of these can be problematic and entail exclusion errors; as a result, many persons with disabilities do not have access to social protection. Disability-inclusive social systems, including social protection floors, require a shift of thinking with regard to designing benefits and eligibility criteria to foster economic empowerment and active participation in employment, rather than focusing only on the incapacity to work.

- Evaluating the access of persons with disabilities - both in terms of quality and quantity - to social protection institutions may be a way to guide trade union actions to fill the gaps;
- Education is culture and power and goes beyond just preparation for work;
- Colombia also faces the challenge that persons with disabilities will lose benefits if they start work;
- The Disability-specific of benefits and services could be separated from income-related benefits to reduce work disincentives, and to enable persons with disabilities to participate fully in employment and society.

#### WAY FORWARD ON TRADE UNIONS ACTIONS TOWARDS DECENT **WORK AND INCLUSION FOR PERSONS WITH DISABILITIES**

#### Henry Cunningham,

International Training Center of the International Labour Organization (ITC/ILO- Turin)-ACTRAV

The participants shared the actions they will be taking on disability issues. These included:

- Sharing the results of this trade unions experts meeting and raising further awareness on disability within their unions;
- Raising the topic of disability in mainstream events and in policy debates or forums in their union activities:
- Promoting specific cooperation especially in Latin America, (Uruguay, Colombia, Brazil) and Portuguese-speaking countries;

- Increasing and carrying out advocacy related to disability issues at a national and other levels;
- Developing links between disability organizations and trade unions;
- Building intelligence on the best practices for inclusive employment of People with Disabilities in companies such as Carrefour;
- Increasing the involvement of various departments within the ILO to develop these actions;
- Organizing a course on the decent work for people with disability for trade unions at the International Turin Center.

#### **CLOSING REMARKS**

#### Moussa Oumarou,

Director, ILO-Governance

The meeting provided participants a roadmap for action on disability inclusion. Disability needs to be further incorporated into tripartite dialogue and collective bargaining. Trade unions should be strengthened in the application of standards and social dialogue for effective action on inclusion of disability and decent work for all.

#### Anna Biondi, Deputy Director, ILO-ACTRAV

Anna Biondi described the conference as long overdue and looked forward to its conclusions. Persons with disabilities need to be seen as rights holders. It is important to consider the ways in which Convention 159 can be used to promote the rights of persons with disabilities,

and how to make best use of the ILO supervisory mechanisms. Trade unions need to include disability in their negotiating and bargaining, and they need to stay focused on this topic as an important issue of discrimination. Anna Biondi mentioned the need for a ratification campaign of Employment Injury Benefits Convention, 1964 (No. 121) which is important although only 4 countries had ratified it. She also referred to the need to ensure that collective agreements be disability inclusive. Finally, she paid tribute to the enormous work of Janek Kuzckiewikz, head of the human and trade unions rights department of the ITUC 7. He had a physical disability that never immobilized him for the defense of the rights of other workers worldwide.

<sup>7 -</sup> https://www.ituc-csi.org/ituc-mourns-the-passing-of-janek



### Workplan Proposal on Disability Inclusion 2017-2021

#### 1. BACKGROUND

ILO-ACTRAV conducted a research and produced a global overview of trade union actions on disability inclusion in 2016-2017. A conference was held in December 2016 jointly with Public Services International-PSI (in Geneva) where issues in relation to the public sector were shared. Subsequently, in May 2017, a conference shared

the global research with trade union experts and in partnership with Global Union Federations. In parallel, a two-page document has been produced describing disability issues for trade unions, and an internal directory documenting cases of trade unions' actions over the world is being developed.

#### 2. THE RELEVANCE OF TRADE UNIONS' ACTION ON DECENT WORK FOR PERSONS WITH DISABILITIES

"He who can move mountains, can move molehills". The ILO- ACTRAV Global research and expert meetings on trade unions actions on decent work for men and women with disabilities bring us to the same conclusion. Trade unions strengthen their organization, their role in the world of work and their capacity to promote decent work for all. The following results were observed:

- Strengthened partnerships and responsive social dialogue to diversity. Disability offers new initiatives to support better representation of workers with disabilities voices and experiences, win-win collaboration with employers, as well as government and civil society organizations.
- Progress for the respect of Rights at work. Guaranteeing non-discrimination, accessible and inclusive work environments and making the workplace better for all workers.

- Increased vocational training opportunities, employment and enterprises creation. Actions on disability include initiatives supporting recruitment, workplace adjustments, retention and return-to-work for those with injuries or disabilities.
- Strengthened social protection by improving social protection systems to meet the needs of people with disabilities, with specialized services that benefit all.



#### 3. ORGANIZED, HUMAN AND COLLECTIVE ENGAGEMENT MAKES THE DIFFERENCE

Disability seems a complicated and challenging subject but the call made by persons with disabilities is simple: "nothing for us without us". This should be adopted as a principle to increase the success and effectiveness of Unions' initiatives that are on the right track. The activities launched by ACTRAV since 2015 to promote the trade union action for decent work of persons with disabilities teach us that the effective change is being made through awareness, mobilization, engagement and action. We have also learned the following lessons on actions that have an effective impact on the organization of decent work for people with disabilities:

- The unions carry out a series of often isolated with little impact on the system which maintains the exclusion of people with disabilities outside the world of work. These trade union actions would benefit more from a comprehensive and sustainable strategy to include people with disabilities effectively, socially and economically. They would thus be part of the integrated national, regional and international framework of the 4 strategic objectives of decent work: social dialogue, international labour standards, employment and social protection. As we read in the ILO Declaration on Social Justice for an Equitable Globalization of the ILO (2008): these "four strategic objectives are inseparable, interdependent and mutually reinforcing. The failure to promote any one of them would harm progress towards the others. To optimize their impact, efforts to promote them should be part of an ILO global and integrated strategy for decent work".
- Trade unions undertake actions even in countries where human associations and social mobilization are difficult or even prohibited. Poverty does not appear to be an obstacle to engaging with unionization and building partnerships with other civil society organizations, NGOs, organizations of people with disabilities, while ensuring respect for the

- principles of Equality between men and women and non-discrimination in the world of work. This strategy seems to be one of the primary drivers for social progress towards the decent work of people with disabilities.
- This strategy is also based on the fundamental principles of freedom of association and freedom of organization and social dialogue stipulated in the International Labour Conventions 87 and 98 of the ILO. The tripartite social partnership ensures national solidarity with the determination of the human, financial and institutional resources necessary for the decent work of people with disabilities. For a successful social inclusion of people with a disability, international labour conventions on the eradication of child labour and forced labour must be effectively administered. Children, with special attention to those with disabilities, must be protected, and forced labour must be heavily penalized.
- The inclusion of people with disabilities invites us to reinvent a "full-employment economy" with more "jobs-oriented" associations, public services and "production-oriented" enterprises, even though these enterprises pursue the decrease of staff and its costs. It also encourages us to explore the need to adapt employment to the person rather than need for the person to adapt to employment, which seems to be often the cause of stress and accidents at work.

Trade union actions for decent work for people with disabilities is truly an exercise of social engineering in today's world where inequalities increase under austerity policies, where growth does not create the expected decent jobs and where so many individuals with disabilities are left to their own fate.

What could the next steps of action be for ACTRAV. taking into account the lessons learned in this area?



#### 4. NEXT STEPS

Following the May 2017 conference, side conversations with Global Union Federations, planning within ACTRAV and liaison with the GED branch, the following actions have been identified to take forward disability work over this year and into the 2018-2019 Biennium. These are described in terms of strategic steps for ACTRAV as well as notes for how to pursue this in the field.

#### 4.1. Actions within ILO-ACTRAV

- · Coordination of disability work: formalize an ACTRAV group or team on disability with, if possible, an observer from GED.
- Integration of disability into the ACTRAV work plan: identify ways to strengthen mainstream products and programming through inclusion of disability issues.
- Integration of disability into training:
  - Identify training courses in Turin that can benefit from "disability-proofing"
  - Assess the need for a disability-specific training course

#### 4.2. Working with other departments in the ILO

- Further develop cooperation with GED branch on trade union work and disability
  - Assist GED in integrating trade unions into their disability work.
  - Receive technical support from GED on disability issues in trade unions.
- Contribute to a tripartite approach on disability issues
  - Conduct joint activity with ACTEMP.

#### 4.3. Products and guidance for trade unions

- Publish global overview research.
- Disseminate the two-page document for trade unions, interviews conducted at conference and other communications.
- Develop tools for trade unions to understand the current position on disability and decent work, and the actions that they can take.



#### 4.4. International Partnerships to support further work

- · Strengthen partnerships with PSI, EI, BWI, UNI and other Global Union Federations on this issue:
  - Support raising awareness dissemination on trade unions and disability;
  - Support GUFs in resolving specific issues for their affiliates:
  - Address specific concerns raised by the GUF, e.g. on integrating disability into privatization research.
- · Identify opportunities for international union technical cooperation to include disability issues:
  - Working meeting on international technical cooperation for unions.

#### 4.5. Develop regional approaches to disability inclusion

- · Liaise with ACTRAV field colleagues to identify opportunities in their region;
- Meeting in Latin America with trade unions to further disseminate the trade union role on disability and decent work:
- Consider similar meetings in English- and French-speaking Africa, Asia and the Middle East.

#### 4.6. Going forward on disability in the field

The global work on disability has identified its importance to trade unions in a range of contexts. In low and middle-income countries, trade unions and countries post-crisis have successfully worked on disability in ways that strengthen the unions themselves and advance the implementation of decent work agenda.

There are a number of steps that ACTRAV staff based in the field can take immediately to further explore the relevance of disability in their areas

- Disseminate research and its results;
- Contact union partners to see if they already work on disability issues;
- Liaise with ILO colleagues to develop synergies with other actions on disability;
- · Identify opportunities within ongoing eventsand ACTRAV programming to raise the issue of disability inclusion.

### Annex 1. List of Participants

#### **SPECIAL GUEST**

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#### With Special Thanks and Appreciation to

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### Annex 2. Concept Note and Programme

**Expert Meeting on Trade Union Actions** to Promote Decent Work for Persons with Disabilities - Social Media: #Enable2Work

#### **Background**

Now more than ever, disability is being recognized as a key issue in social justice across the world. The UN Convention on the Rights of Persons with Disabilities establishes its place as a human rights issue, and the Sustainable Development Goals also explicitly include disability as a development issue. The relationship with decent work is crosscutting through all areas in promoting inclusion of, and eliminating discrimination towards, persons with disabilities. This global paradigm shift on understanding disability has been supported by trade union actions across the world.

In ILO, the Bureau for Workers' Activities (ACTRAV). has been working with the Gender, Equality and Diversity (GED) branch to investigate the current status of work undertaken by trade unions, and to strengthen their ability to respond on disability in the future. Research conducted through 2016 on a global overview of trade union action on disability has shown that trade unions are active on this subject in high, mid and low-income countries. Trade Union action has ranged from policy work and inputs to collective bargaining to actively supporting persons with disabilities to enter and stay in work.

Based on this research, the ILO is working to disseminate concepts and methods for trade unions to engage further on work in disability inclusion. This conference is an opportunity to develop partnerships that can build this momentum further.

#### **Expert Conference**

This conference serves to address trade union actions on disability in a global and multi-sectoral forum. As well as disseminating research and raising awareness on inclusion of persons with disabilities and the relation between this and decent work, the conference will also identify ways forward for both trade unions and ILO itself. Working together across ILO units (including ACTRAV and GED), the conference will also closely engage the International Trade Union Confederation (ITUC) and Global Union Federations in design and execution.

Specifically, the objectives of this meeting are:

- To promote and develop trade union alliances and partnerships to guide further actions in this
- To disseminate research and demonstrate practical actions that trade unions can take on disability rights;
- To identify actions for ACTRAV and ILO on further supporting trade union action on disability.

#### AGENDA: MONDAY 15TH MAY 2017

TIME	ACTIVITY AND SPEAKERS	COMMENTS			
8.30 -9.00	Registration and Welcome Coffee				
9:00 –10:30	Opening Session  Welcome address:  • Maria Helena André, ACTRAV Director  Keynote Speaker:  • Catalina Devandas UN Special Rapporteur on Rights of Persons with Disabilities  Opening Remarks:  • Shauna Olney, GED Director  • Rosa Pavanelli, PSI General secretary and GUFs Council Chair  • Raquel Gonzalez, ITUC Office Geneva Director.  Objectives of the meeting and introductions  • Nezam Qahoush, ILO/ACTRAV	Moderator:  Maria Helena André ACTRAV Director  Administration issues Liliana Chang, ILO/ACTRAV  Group photo and Communication Mamadou Souare, ILO/ACTRAV  With collaboration of Menze Jurgen ILO GED Settimi Federica ILO GED			
10:30 –10:45	Coffee Break at the "Gobelins", R2 South				
1. State of Affairs: Trade Union Action on Disability Understanding "disability" and how we talk about it • Eric Stener Carlson ILO/GED  ACTRAV Global Research on Trade Union actions and Dework  • Peter Fremlin, ILO Consultant Responses: • Jose Maria Fernandez, Senior Advisor and Former "Confederal" in Social Policy in CS.CCOO, Spain • Faustina Van Aperen, ACTRAV  Open Discussion		Moderator: <b>Nezam Qahoush</b> ILO/GED			
12:00 –12:45	Challenges and Opportunities for Trade Unions working on inclusion and decent work for persons with disabilities  Group work by language	Facilitators: Marcel Aragones (French) Martin Nieves (Spanish) Robert Abwoga (English)			
13:00 –14:30 <b>Lunch</b>					
14:30 –15:30	2. Exploring Ways to Strengthen trade unions strategies and actions for decent work for disabled people Inside the organization of the union  • Neil Alldred, Irish Congress of Trade Unions- ICTU  • Azza Taalab, ILO Staff Union  Cooperation with employers on inclusion of disability issues  • Henrik Moller (ILO-ACT/EMP)  Concrete examples of including disability issues in collective bargaining agreements  • Carmen Veldhuis, Federatie Nederlandse Vakbeweging (FNV)  Open Discussion	Moderator: <b>Nikola Wachter,</b> Education International			
15:30 –15.45	Coffee Break at the "Gobelins", R2 South				
15:45 – 17:30	3. How trade union partnerships with civil society organizations and NGOs help to strengthen the action on inclusion and decent work for workers with disability  • Lauro Jr Purcil, TUCP- Philippines  • Sheryl Burns Co-Chair, CUPE's Canadian Union Of Public Employees, Canada  • Alexandre Cote, International Disability Alliance IDA  Open Discussion	Moderator: <b>Stefan Tromel</b> ILO/GED			
17.30 – 19.00	Reception, in the ILO building, at the "Gobelins", R2 South				

#### AGENDA: TUESDAY 16<sup>TH</sup> MAY 2017

TIME	ACTIVITY AND SPEAKERS	COMMENTS	
9:00 – 10:30	4. How legal frameworks can help trade unions promote the rights of persons with disabilities  Core concepts from international frameworks to guide trade union work on disability issues  • Stefan Tromel, ILO/GED  ILO Standards and disability issues  • Anna Torriente, ILO/NORMS  Developing a law for private sector employment of persons with disabilities in Uruguay  • Sr. Martin Nieves, PIT-CNT Uruguay  Open discussion	Moderator: <b>Claire La Hovary</b> , ILO/ ACTRAV	
10:30 – 10:45	Coffee Break at the "Gobelins", R2 South		
10:45 – 12.00	<ul> <li>5. How ILO can help public and private enterprises more disability inclusive?</li> <li>Carlos Carrion-Crespo, ILO SECTOR</li> <li>Marcel Aragones, Syndicat FGTA, Force Ouvrière de Carrefour Hypermarchés, France</li> <li>Baba Aye, Health and Social Services Officer, PSI</li> </ul> Open discussion	Moderator:  Denise Mcguire, UNI World Women's President and President, Prospect, UK  With collaboration from:  • Avila Zulum, ILO-EMP/CEPOL Unit  • Federico Negro and Selva Elisa, ILO /FSDR Group-EMP/DEVINVEST  • Daniel Cork, ILO Better work  • Lisa Wong, ILO FPRW	
12:00 – 13:00	How ILO can help trade unions make public and private enterprises more disability inclusive?  Group work by language	Facilitators: Farida Zaheer, PWF, English Nilton Freitas, BWI, Spanish Mikiela Tonda, Cosyga, French	
13:00 – 14:30	Lunch		
14:30 – 15:45	7. Inclusive social protection systems for persons with disabilities: Challenges and opportunities in rendering social protection systems inclusive for persons with disabilities • Christina Behrendt, ILO, Social Protection • Nikola Wachter, Education International • Nilton Freitas, BWI – Building and Wood Workers' International • Caroline Khamati Mugalla, East African Trade Union Confederation  Open Discussion	Moderator: Sandra Vermuyten, PSI With collaboration from: Ippei Tsuruga, ILO-SOCPRO	
15:45 – 16:00	Coffee Break at the "Gobelins", R2 South		
16:00 – 17:00	8. Way forward on trade unions actions towards Decent work and inclusion for persons with disabilities  Suggested Recommendations  • Faustina van Aperen, ILO/ACTRAV  • Peter Fremlin, ILO Consultant  Open Discussions	Moderator: Harry Cunningham, ILO-ITC-ACTRAV (Turin)	
17:00 -17:30	Closing and thanks  • Moussa Oumarou, ILO Governance Department, Director  • Anna Biondi ILO-ACTRAV Deputy Director		

### Annex 3. Guidelines Group Work 1 and 2

#### 1. Expert Meeting Decent Work for Persons with Disabilities, Geneva, 15th May 2017

12:00 - 12:45

Challenges and Opportunities for trade unions working on inclusion and decent work for persons with disabilities Group work by language

#### Background:

This group work draws from the plenary discussion on "Global Research on Trade Union actions and Decent Work".

From the research, we know that many Trade Unions are taking action to promote decent work for persons with disabilities. There are opportunities to expand this work. At the same time, there remain challenges to getting persons with disabilities into decent work

This group work is meant to tap into the participants' innovative ideas and to understand their challenges in promoting decent work for persons with disabilities - particularly at the regional level.

#### Questions:

We suggest using the following questions to guide your group

- 1. (Ask individuals) What are the biggest challenges facing your trade union in promoting/expanding decent work for persons with disabilities? (Please ask them to write down one challenge on each Post-it note, with a maximum of 3-5 challenges. Please also ask them to include their country name on each Post-it note.)
- 2. (Ask individuals) What are the biggest opportunities at the country or regional level you have, either for expanding work on disability you are already doing or starting new
- 3. (In Group Discussion) How do you think you could best overcome these challenges and take advantage of these opportunities? What resources would you need to do this?

For the first two questions, we suggest you ask the participants to individually write down their biggest challenges and greatest opportunities on separate Post-it notes. (They should take a maximum of 10 minutes to write down the answers to both

Then, for each question, you can arrange the Post-it notes on a flip-chart, and see if you can group them together in similar categories (groups of challenges could include – lack of human resources; lack of information; lack of outreach to persons with disabilities, etc.). Then the group can discuss whether this reflects their experience or not. (Maximum of 20 minutes) Once you have grouped the answers, please identify which are the challenges/opportunities that participants have most in common (the most-common 3-5 answers). Then you can ask that the group brainstorm responses to question #3. (Maximum of 25 minutes)

#### Reporting:

Please keep the flip-chart sheets noting the biggest challenges/opportunities (questions #1 and #2) and make a written summary of the group response to question #3.

#### 2. Expert Meeting -Decent Work for Persons with Disabilities, Geneva, 16th May 2017

12:00 - 13:00

How ILO can help trade unions make public and private enterprises more disability inclusive?

Group work by language

#### Background:

This group work draws from the plenary discussion on "Global Research on Trade Union actions and Decent Work". Trade Unions are helping to make public and private enterprises more disability inclusive. There are opportunities to expand this work. At the same time, there remain challenges.

This group work is meant to tap into the participants' innovative ideas and to understand their challenges in making public and private enterprises more inclusive - and to identify what sort of assistance from the ILO they would find beneficial for this work.

#### Questions:

We suggest using the following questions to guide your group

- 1. (Ask individuals) What are the biggest challenges facing your trade union in making public and private enterprises to be more inclusive? (Please ask them to write down one challenge on each Post-it note, with a maximum of 3-5 challenges. Please also ask them to include their country name on each Post-it note.)
- 2. (Ask individuals) What are the biggest opportunities for your trade union to help make public and private enterprises more inclusive?
- 3. (In Group Discussion) What sort of assistance from the ILO do you think could best help you to overcome these challenges and to take advantage of these opportunities?

For the first two questions, we suggest you ask the participants to individually write down their biggest challenges and greatest opportunities on separate Post-it notes. (They should take a maximum of 10 minutes to write down the answers to both

Then, for each question, you can arrange the Post-it notes on a flip-chart, and see if you can group them together in similar categories (groups of challenges could include -lack of information; lack of appropriate legislation...etc.). Then the group can discuss whether this reflects their experience, overall, or not. (Maximum of 20 minutes)

Once you have grouped the answers, please identify which are the challenges/opportunities that participants have most in common (the most-common 3-5 answers). Then you can ask that the group brainstorm responses to question #3. (Maximum of 25 minutes)

#### Reporting:

Please keep the flip-chart sheets noting the biggest challenges/opportunities (guestions #1 and #2) and make a written summary of the group response to question #3.

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