



A Human Rights Approach to Developing Disability Equality

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Disability Equality in Education

www.diseed.org.uk

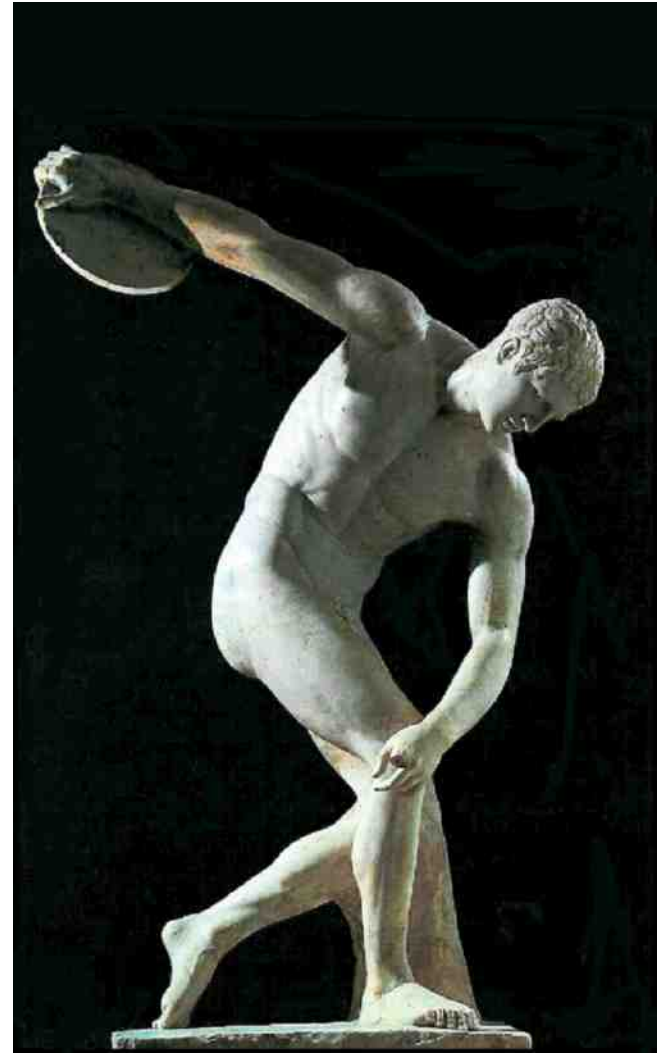


Disability Profile of UK

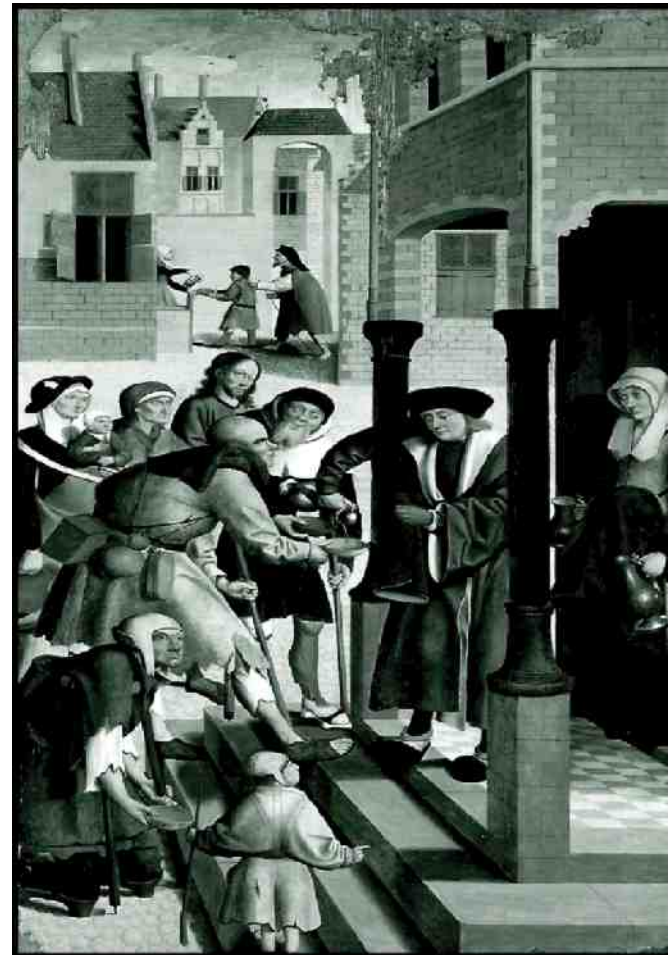
- 11 million disabled people 21% population
- 1 in 20 children under 16 are disabled
- 2 x as likely as NDP not to go to college or university.
- 50% working compared to 80% non disabled adults
- That's 3.4 million adults of working age.
- More likely to live in poverty
- Mothers disabled children 7x less likely to be in work compared to mothers of non-disabled children
- More likely to be homeless
- Only 30% buses are accessible(100% in London)
- 25% report hate crimes 47% of those with mental health conditions

The Traditional Model or View of Disabled People

- Different cultures have responded in various ways to disabled people
- Impairment has often been seen as a punishment from God
- In the west, our ideas are dominated by Greek and Roman ideas of the body beautiful and physical perfection



Religious ideas about charity also shaped our ideas about disabled people.





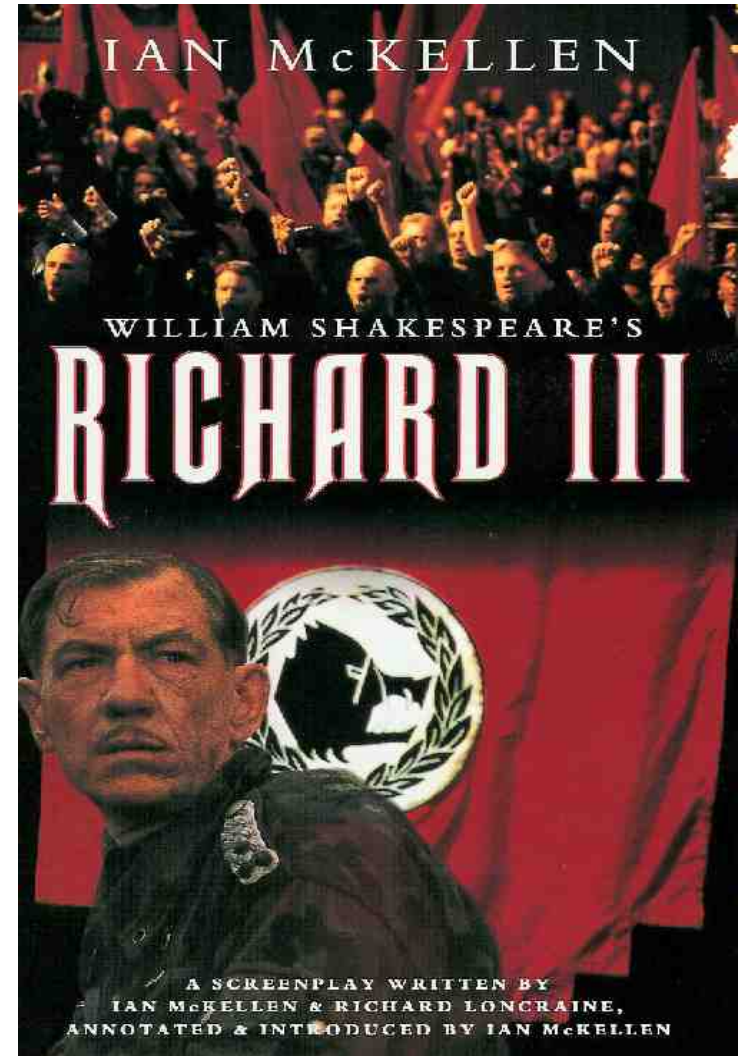
**We were often
seen as figures of
fun to be mocked
and ridiculed.**

**Hogarth The Rakes
Progress**

**'Blind leading the Blind.' by
Breughel**



Richard III- The ultimate evil King or was he?



Changelings

The Founder of Protestantism in Germany: Martin Luther believed in changelings.. He sincerely believed that Satan was responsible for the malformed children known as changelings, and that such satanic child exchanges occurred frequently. In Luther's theological view, a changeling was a child of the devil without a human soul, "only a piece of flesh." "Take the changeling child to the river and drown them" he preached.



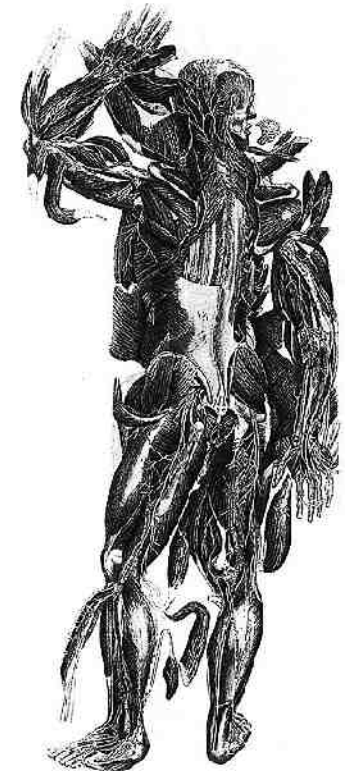
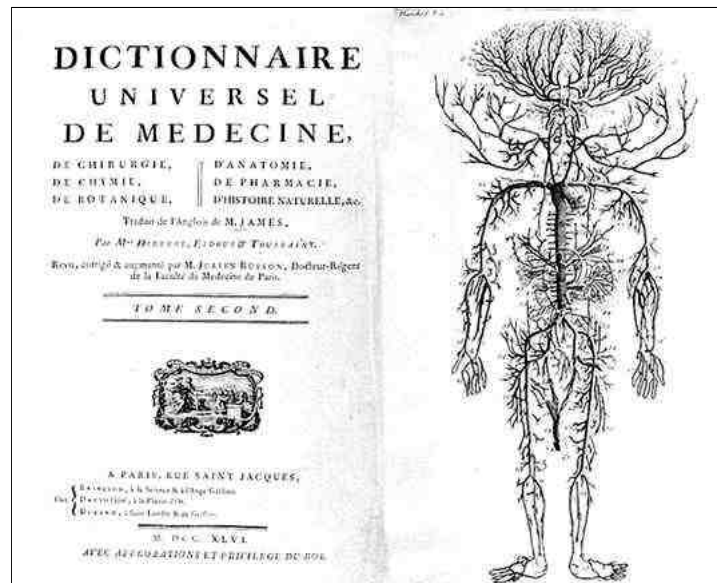
Witches and Witch Hunts

- At times of social change, disabled people have been made scapegoats as in the Great Witch Hunts or during plagues.



Beginnings of medical model thinking

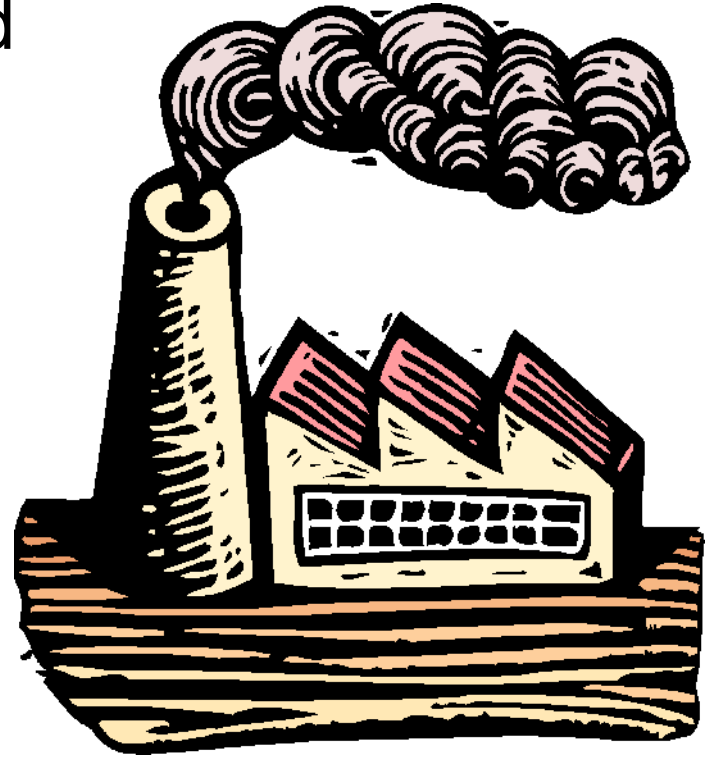
The Age of Enlightenment in 18th and 19th centuries led to a belief in the scientific method and that 'Man' could tame and control nature. Anatomy and the development of medical science became obsessed with putting new knowledge into curing and normalising disabled people. Impairment became the focus.



Industrial Revolution

In early modern Europe and feudal times, most disabled people would have been accepted as part of the family or work group.

In the 19th Century, the Industrial Revolution meant that people started to work outside their homes for big employers.



The Poor Law and the Workhouse

• Disabled people were rejected. Disabled people were viewed as worthy poor, as opposed to 'work shy' unworthy poor and given Poor Law Relief.



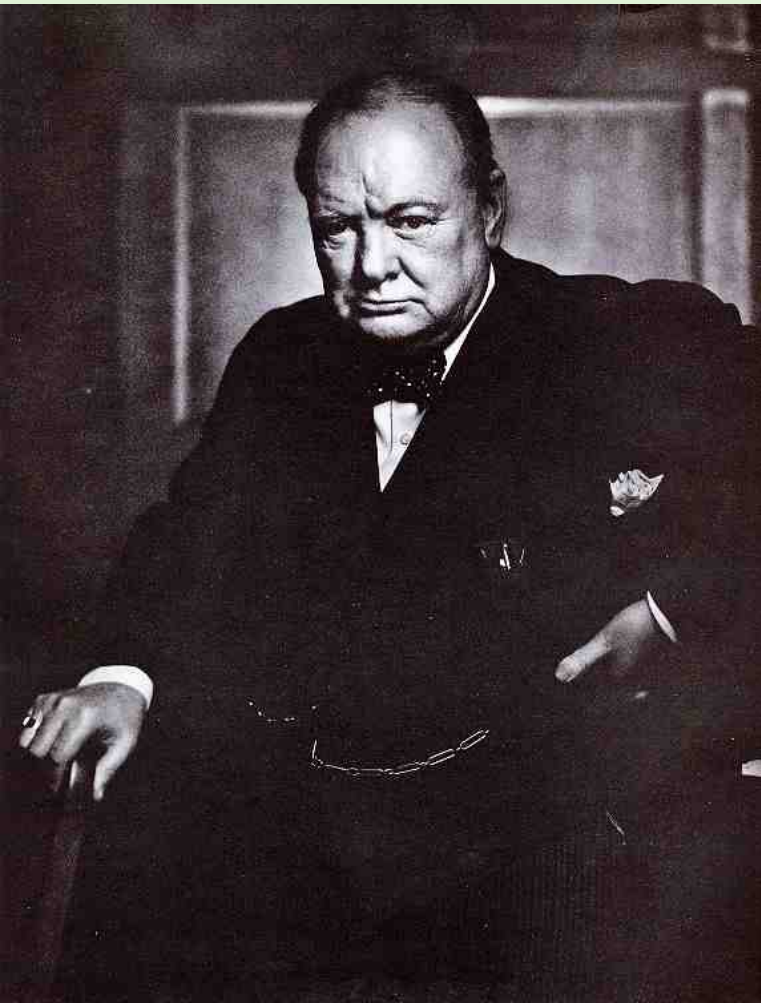
Southwell workhouse. The old and infirm were considered an "infirm and guiltless" class and were given an easier regime than the "idle and profligate able-bodied" paupers who were made to work.

1850-1960 The Rise of the Medical Model-Defectology



- Disabled people became dependent more and more on the medical profession for cures, treatments and benefits.
- The 1850 Asylum Act gave medical doctors the statutory role of deciding who were the genuinely insane.
- Doctors became the gatekeepers for disability benefits, determining mental deficiency, rehabilitation and segregation in separate schools.

EUGENICIST THINKING



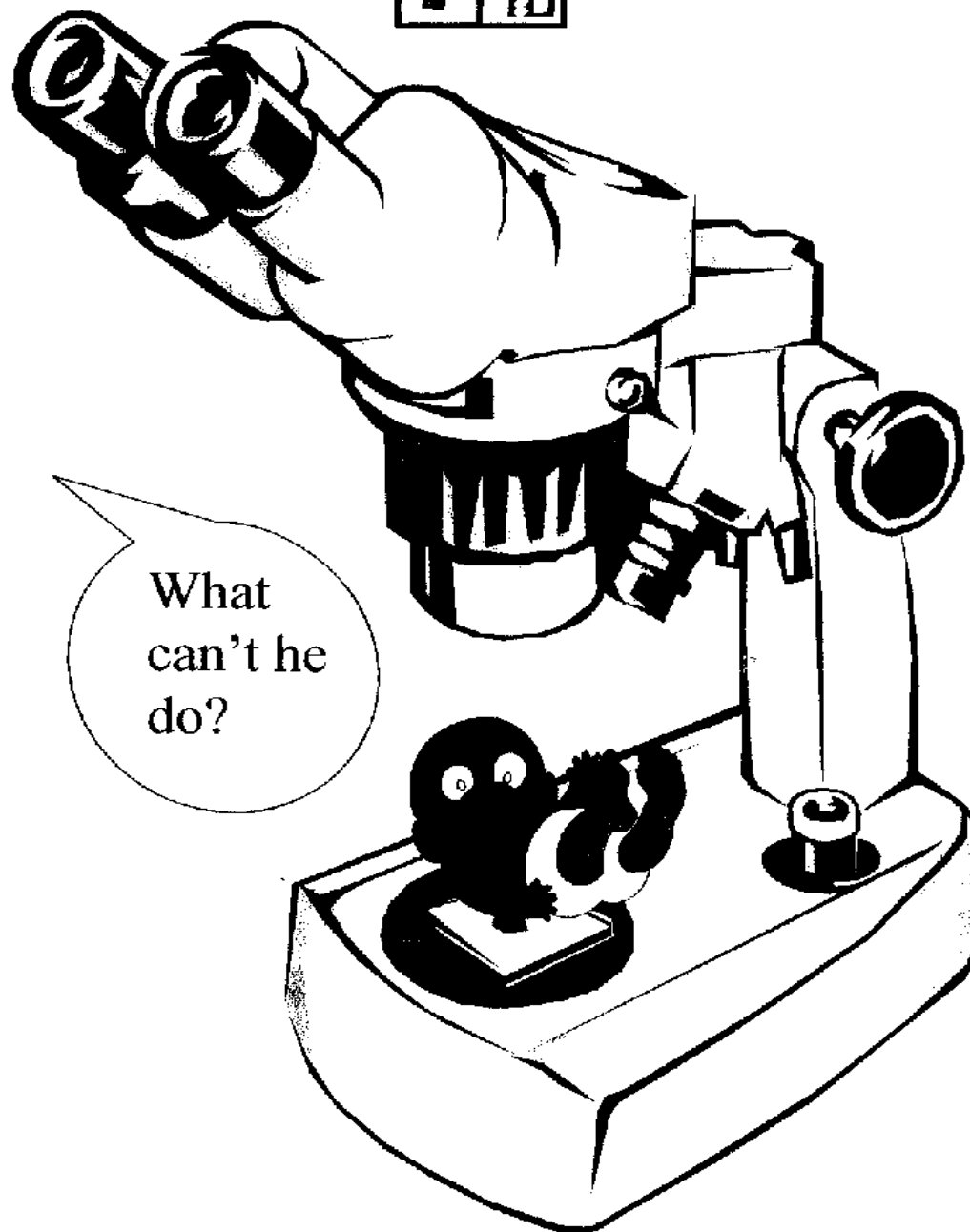
“The unnatural and increasingly rapid growth of the feeble minded classes, coupled with a steady restriction among all the thrifty, energetic and superior stocks constitutes a race danger. I feel that the source from which the stream of madness is fed should be cut off and sealed up before another year has passed.”

Winston Churchill MP, Home Secretary at the time the Mental Deficiency Act of 1913 became law.

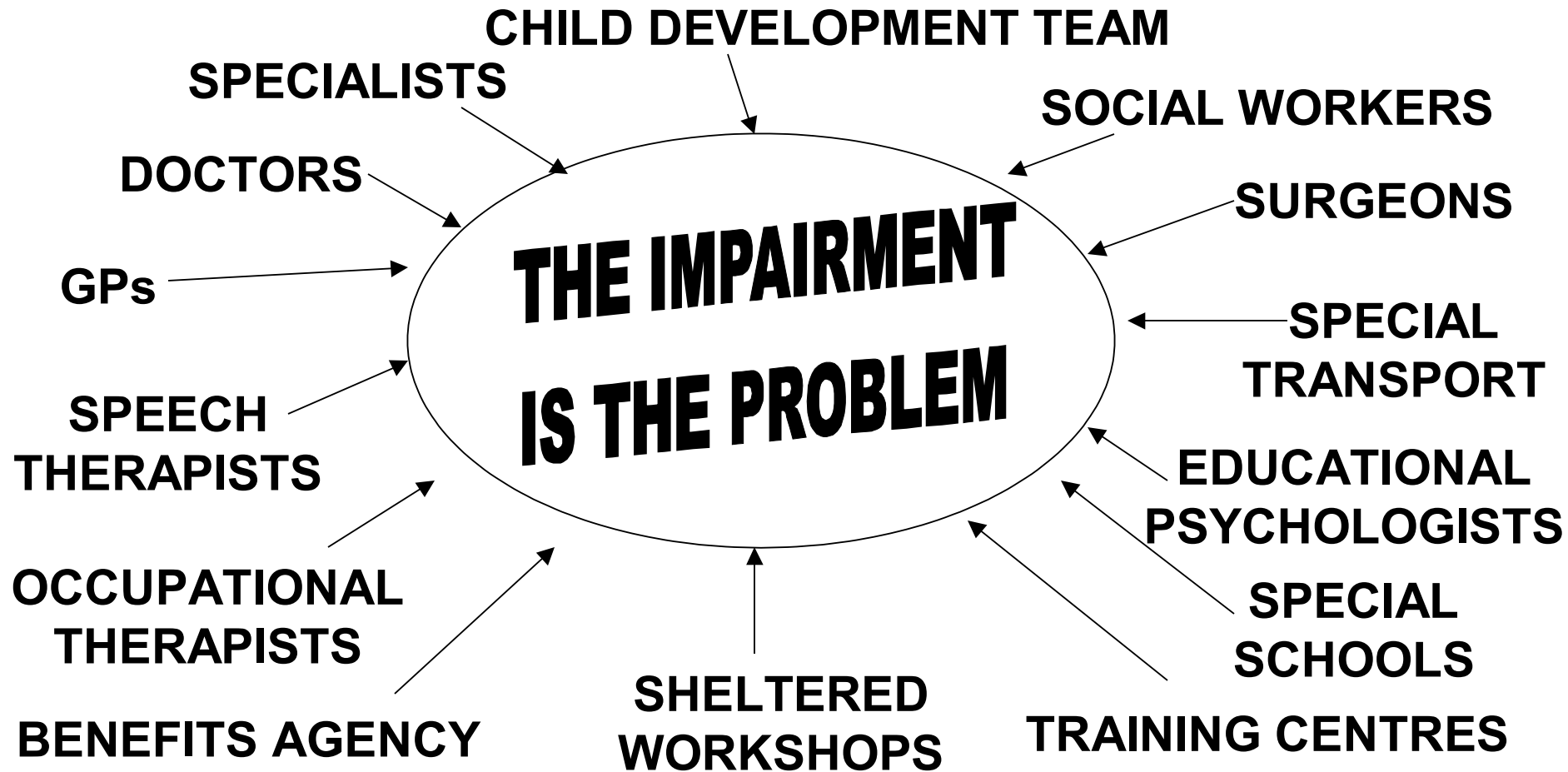
Mental Deficiency Act 1913

The Mental Deficiency Act set out descriptions of people who should be incarcerated:

- Idiots
- Imbeciles
- Feeble-minded
- Moral Defectiveness

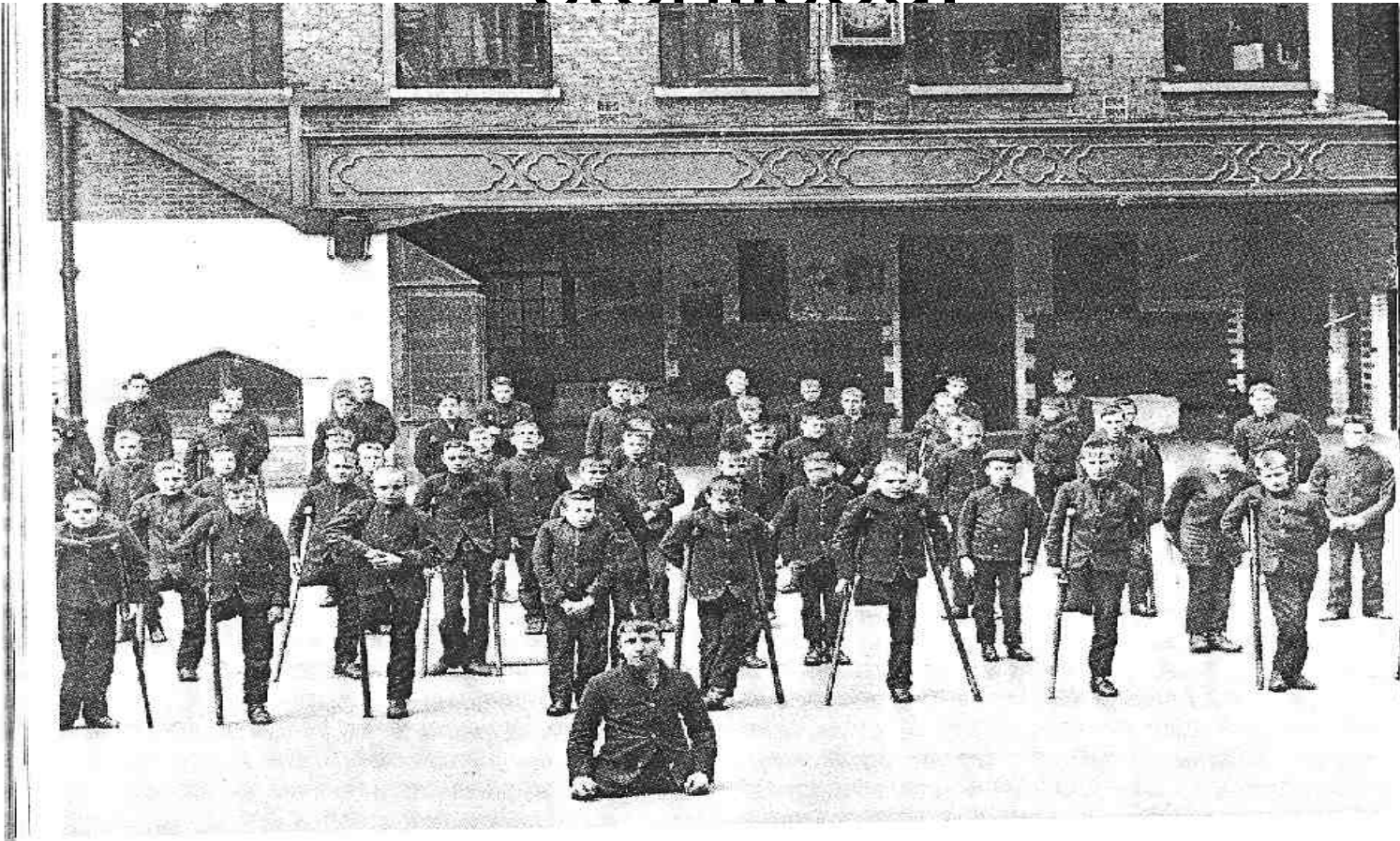


The dominant view is the Medical Model.

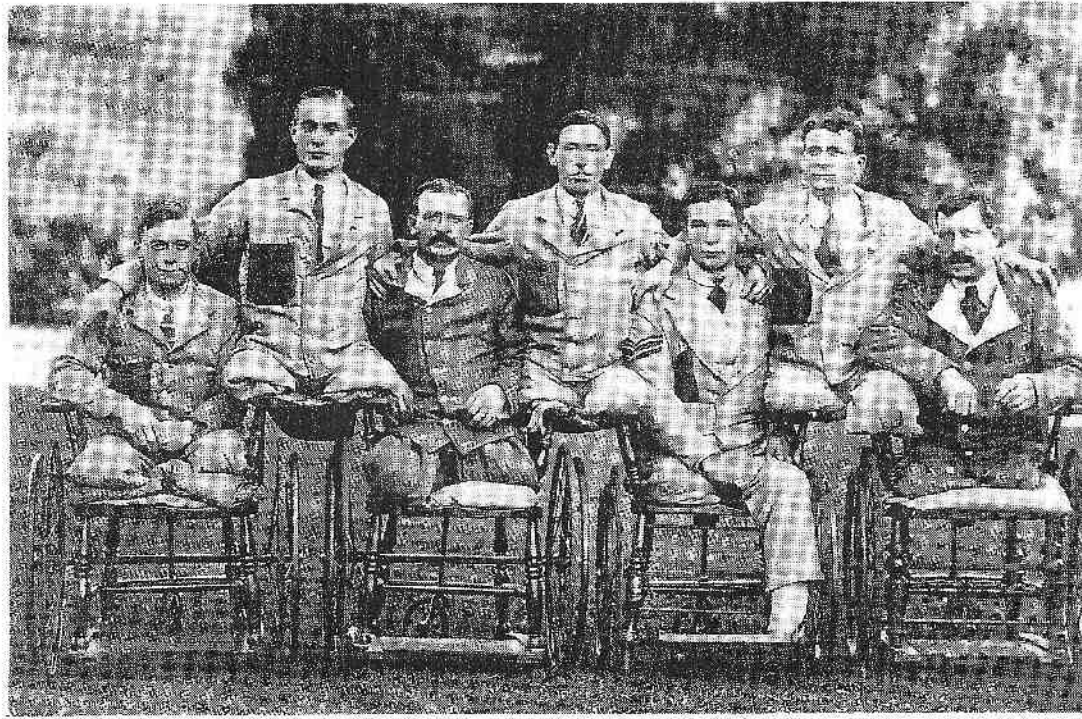


DISABLED PEOPLE AS PASSIVE RECEIVERS OF SERVICES AIMED AT CURE OR MANAGEMENT

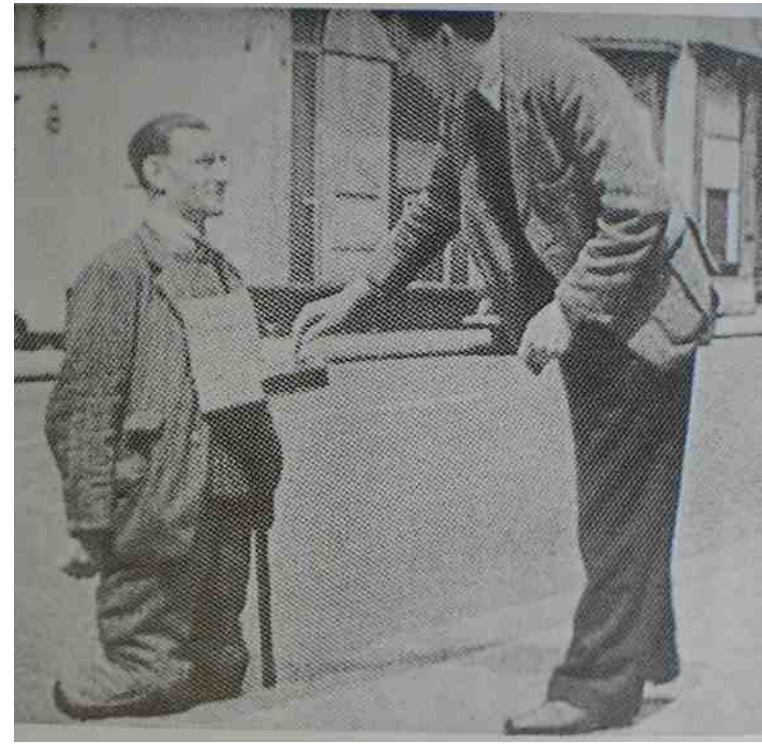
Disabled people were shut away in
single sex institutions for life or
sterilised.



Many returning World War I veterans with impairments had to rely on begging and charity to survive. The first segregated institutions were set up after the First World War.



12 Limbless men. [IWM Q108161]



Resistance

Mass demonstrations of blind workers – and sighted sympathisers in Trafalgar Square in 1920. Blind workers marched to London from all over Britain to protest against low wages and poor working conditions in 1920, 1933 and 1947.

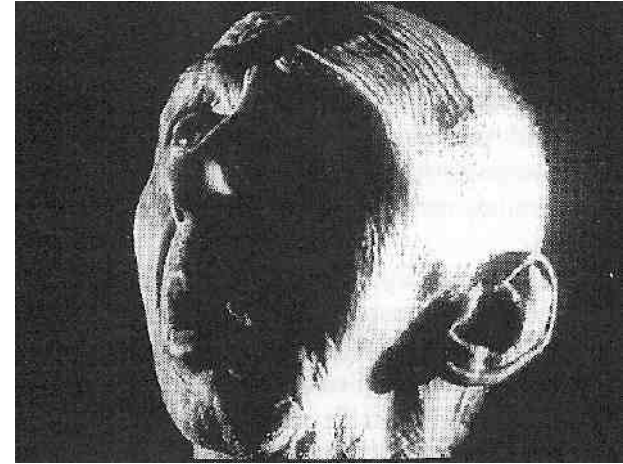


Prussian Government ad, 1937.



Figure 36. "The Prussian Government Provides Annually the Following Funds for: a Normal Schoolchild (125 RM); a Slow Learner (573 RM); the Educable Mentally Ill (950 RM); and Blind or Deaf-Born Schoolchildren (1,500 RM)." This illustration depicts the burden of maintaining the socially unfit. From *Volk und Rasse*, 8(1933): 156.

Nazi Propaganda



Sequence illustrating lighting techniques used in Nazi propaganda film Erbank III. 1936



Between January 1940 and August 1941, the Nazis turned six hospitals - in Brandenburg, Grafeneck, Hartheim, Sonnenstein, Bernburg and Hadamar - into the main killing grounds for what they referred to as "euthanasia." Other clinics and hospitals were added as the program expanded

Sheltered workshops were established to provide “factories fit for heroes”.



Trainees at work in the NSS training centre at Sherrards, Welwyn

Union of Physically Impaired Against Segregation 1976

- Disability is a situation caused by social conditions, which requires elimination, A) that no one aspect such as incomes, mobility or institutions is treated in isolation, b) that disabled people should, with advice and help of others assume control over their own lives, and c) that professionals, experts and others who seek to help must be committed to promoting such control by disabled people.
- Fundamental Principles.



DAIL.

**Over the last 30 years disabled people have begun to
Disabled People have organised a Movement
demanding full Civil Rights.**



DEFINITIONS

“Impairment is the loss or limitation of physical, mental or sensory function on a long-term and permanent basis.

“Disablement is the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical and social barriers.” – *Disabled People’s International, 1981*

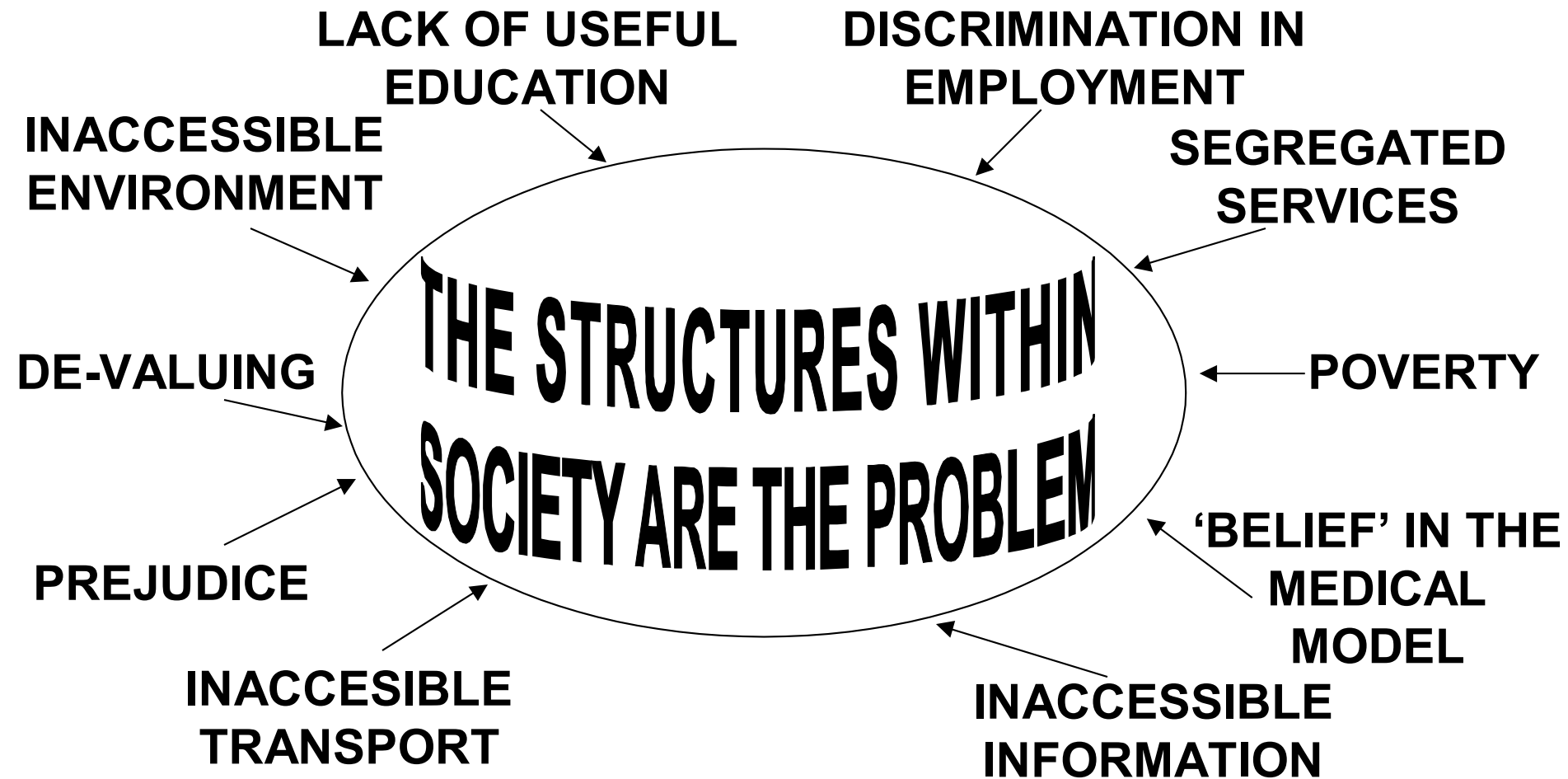
Disability Discrimination Act Definition... ?

“A person has a disability if he / she has a physical or mental impairment which has a substantial and long-term adverse effect on his / her ability to carry out normal day-to-day activities.”

- Part 1, Para. 1.1 DDA



The Social Model of disablement focuses on the barriers



**DISABLED PEOPLE AS ACTIVE FIGHTERS FOR EQUALITY
WORKING IN PARTNERSHIP WITH ALLIES.**



Disability becomes political

The Fight for Civil Rights

- **17 attempts to introduce Comprehensive Civil Rights Legislation**
- **Civil disobedience used widely**
- **In the end got the Disability Discrimination Act 1995**
- **DDA more 'like a leaky sieve than a piece of human rights legislation'.**

DDA Problems in UK

- Definition is medical model and too narrow
- Justification of discrimination by employers
- No right of reinstatement
- Individual has to take case against employer
- No anticipatory or general duty
- Businesses with 20 or under employees left out

Disability Movement Fought and won !

- Labour Elected 1997 Manifesto Pledge to introduce comprehensive and enforceable civil right.
- They did not. Instead they:-
- Set up a Task Force 1997
- Set up Disability Rights Commission 2000
- Extended DDA to encompass EU Equal Treatment Directive-all employers.
- Introduced Public Sector Duty
- Consulting on change of definition.
- Set up Office Disability Issues and goal of 2025.

The Business Case Employers Forum on Disability

9.8 million
disabled people
in the UK

1 in 4 households
have a
connection with a
disabled person

**£80 billion
spending
power**

3.4 million
disabled
workers



What happens if your organisations get it wrong?

Litigation
costs:

Payouts
and court
costs

Damage to
brand
loyalty

Negative
publicity

Poor staff
morale

Cost of
revising
policies and
procedures

Loss of
business
and profits

How to promote change... ?

Both physical and non-physical aspects of your service

Training delivered by disabled people to at least change behaviours and hopefully attitudes



Consult with your disabled customers, colleagues and service users. Tell them about the changes you are making.

Don't Make assumptions about disabled people

- Do not assume that because a person does not look disabled, he is not disabled.
- Do not assume that because you do not know of any disabled people working within an organisation there are none.
- Do not assume that most disabled people use wheelchairs.
- Do not assume that people with learning disabilities cannot be valuable employees, or that they can only do low status jobs.
- Do not assume that a person with a mental health problem cannot do a demanding job.
- Do not assume that all blind people read Braille or have guide dogs.
- Do not assume that all deaf people use sign language.
- Do not assume that because a disabled person may have less employment experience (in paid employment) than a non-disabled person, he has less to offer.

Improving Life Chance of Disabled People

“By 2025, disabled people in Britain should have full opportunities and choices to improve their quality of life, and will be respected and included as equal members of society.”

(Improving Life Chances of Disabled People,
Prime Minister's Strategy Unit, January 2005)

Duty to Promote Disability Equality

When carrying out their functions public authorities must have due regard to the need to:

Promote positive attitudes towards disabled persons	Encourage participation by disabled persons in public life
--	---

Promote equality of opportunity	Eliminate disability related harassment	Eliminate unlawful discrimination
--	--	--

The use of positive discrimination if necessary



What is a public body...?

“Any person, certain of whose functions are functions of a public nature”.

In effect: Every public body

Where someone is performing a role as a representative of the Government – and where individuals have to rely upon that person for the exercise of the governmental function.



Specific duty applies to...

Listed bodies with the Specific Duty would include:

**central government,
local government,
colleges and universities,
schools,
police authorities,
health and inspection bodies.**



Specific Duty Responsibilities

All bodies covered by the specific duty will need to compile a Disability Equality Scheme, which includes:

- Consultation of disabled people in production, setting targets and monitoring of the scheme
- How it meets with the strategic priorities of the organisation
- Collect and analysing data
- Strengths and weaknesses of the organisation in promoting disability equality
- Actions the organisation will take and by when
- How they know it will have achieved anything

Guiding Principles

Disability Equality Duty

1. Proportionality- balance other needs and factors
2. Effectiveness-it works
3. Involvement- local disabled people, staff and service users
4. Transparency- process can and expenditure be easily tracked
5. Social Model of Disability thinking to ethos and all policies , practices and procedures...

Implementing the Equal Treatment Directive at Work

- Provide minimum standards
- No direct or indirect discrimination
- Unless objectively justified- for example lack of capacity
- Burden of proof on respondent
- No victimisation
- Positive Action is permissible
- Judicial system must be in place and provide compensation effective, dissuasive and proportionate
- Implement by Dec 2003(or Dec 2006 with EU permission)
- Reasonable accommodation at work
- States should encourage dialogue social partners.

Develop Anti Discrimination Policies at Work

- **Establish a policy which aims to prevent discrimination against disabled people and which is communicated to all employees and agents of the employer.**
- **Provide disability equality training to all employees. In addition, train employees and agents so that they understand the employer's policy on disability, their obligations under the Act and the practice of reasonable adjustments. Managers need more specialist training.**
- **Inform all employees and agents that conduct which breaches the policy will not be tolerated, and respond quickly and effectively to any such breaches.**
- **Monitor the implementation and effectiveness of such a policy.**
- **Address acts of disability discrimination by employees as part of disciplinary rules and procedures.**

- **Have complaints and grievance procedures which are easy for disabled people to use and which are designed to resolve issues effectively.**
- **Have clear procedures to prevent and deal with harassment for a reason related to a person's disability.**
- **Establish a policy in relation to disability-related leave, and monitor the implementation and effectiveness of such a policy.**
- **Consult with disabled employees about their experiences of working for the organisation.**
- **Regularly review the effectiveness of reasonable adjustments made for disabled people in accordance with the Act, and act on the findings of those reviews.**
- **Keep clear records of decisions taken in respect of each of these matters.**

Become good at disability discrimination case work

- Work at making workplaces challenge discrimination
- Develop a good knowledge of your national legislation
- Get Trade unions and their representatives to understand the law and apply it
- Disabled people should always have a witness when talking to management
- Keep all written letters, contracts and correspondence
- Always ask management to put decisions in writing
- Develop a network of lawyers to support cases
- Pick strong cases to test in court

What disability organisations need to do to implement disability equality at work?

- Be well aware of the national law as it applies to disabled people
- Collect case work examples and human rights abuses
- Have good dialogue with Government
- Highlight by Direct Action and in the Media shortcomings in legislation
- Have good links with sympathetic members of Parliament
- Make disability ordinary
- Build strong cross impairment coalitions
- Provide Disability Equality Training to employers
- Link across Europe with other DPO's

Fundamental Thinking 1

Nothing About
Us

Without Us

Fundamental Thinking 2

Rights
Not
Charity

Fundamental Thinking 3

On our own we
are weak.

Together we are
Strong!

Fundamental Thinking 4

- We need to build alliances with :-
- Disabled People
- Trade Unions
- Professionals
- Politicians and Administrators
- Such Alliances need to be led by the thinking of Disabled People.

Fundamental Thinking 5

- **Disability is a socially created oppression and is separate from our impairment.**
- **For our impairment we need medication, aids and support and resources.**

To challenge Disabilism we need changes in society's attitudes and structures.

A thought to end!

- **“You must be the change you wish to see in the world”**

