

BAKERS FOOD AND ALLIED WORKERS UNION DISABILITY POLICY

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1. Introduction

The Bakers Food and Allied Workers Union (BFAWU) is committed to ensuring that all members and non members are treated equitably and it has a long tradition of supporting members and non members alike with a wide range of impairments, however recent legislation requires the BFAWU to reappraise all practices to ensure they are not unintentionally discriminatory or present unnecessary barriers to disabled members or non members.

The BFAWU is committed to working towards an understanding of the Social Model of Disability thereby not focusing on an individual's medical condition or impairment, but instead identifying the impact of Disability in the structural, organisational, physical and attitudinal barriers that prohibit disabled people from achieving equality and inclusion of their needs, rights and requirements.

The Disability Policy sets out the BFAWU's commitment to disabled members and non members alike and provides a framework to ensure that the BFAWU offers a supportive environment for all.

2 The Legal Framework

The Disability Discrimination Act 1995 (DDA), makes it unlawful to discriminate against disabled people, or people who have had a disability, without justification. Indirect discrimination where a provision, criterion or practice presents barriers is potentially as unlawful as direct discrimination. Reasonable adjustments must be considered fully before any decision is taken to justify less favorable treatment towards a student or member of staff. Discrimination is only lawful for 'substantial and material' reasons and in limited prescribed circumstances outlined within the DDA. Legal protection extends to the post-employment relationship for disabled staff, e.g. with references.

The Act defines disability as "a physical or mental impairment", which has a substantial and long-term adverse effect on a person's ability to carry out normal day- to-day activities.

"Impairment" covers physical impairments and impairments affecting the senses such as sight and hearing. It also covers mental impairments, including learning disabilities and mental illness where the condition is recognised by a respected body of medical opinion. If the impairment is controlled by medication or special aids the person is still considered as disabled for the purposes of the Act.

People with stress related illnesses and conditions such as Chronic Fatigue Syndrome may be covered if there is long term, substantial and adverse effects. Those with other long term chronic conditions such as asthma, diabetes, heart disease, arthritis, upper limb disorders (e.g. Repetitive Strain Injury) or epilepsy may also have legal protection.

"Substantial" means more than minor or trivial and includes progressive conditions where impairment is likely to become substantial, such as cancer, multiple sclerosis, muscular dystrophy and HIV infection. People with such conditions are covered by the Act from the moment there is a noticeable effect on day-to-day activities, however slight. HIV and cancer will be specifically included from 2004 once changes to the DDA are implemented.

"Long-term" means effects, which have lasted for at least twelve months, or are likely to last for twelve months or more. Long-term effects include those which are likely to recur.

"Day-to-day activities" are normal activities carried out by most people on a regular basis, and must involve one of the following broad categories: mobility; manual dexterity; physical co-ordination; continence; the ability to lift, carry or move everyday objects; speech, hearing, or

eyesight; memory or ability to concentrate, learn or understand; perception of the risk of physical danger.

· Severe disfigurements are treated as impairments, even though they may have no effect on a person's ability to carry out normal day-to-day activities.

The Special Educational Needs and Disability Act 2001 (SENDA), amended part 4 of the Disability Discrimination Act and significantly extended responsibilities in respect of ensuring non-discrimination on grounds of disability in respect of educational provision provided to students on BFAWU courses. SENDA places a responsibility to make anticipatory adjustments in the knowledge that disabled students will attend courses and the general needs and requirements of disabled learners are anticipated in advance. The BFAWU National Learning Agreement covers this area of disabilities and should be used as reference in any learning circumstances.