

**Trade Unions against Discrimination Project**  
**1<sup>st</sup> Learning Seminar on Disability**

*Event held in Paris (France) on 30 November & 1 December 2023*

**REPORT**

- **Welcome words**

➤ Giulio Romani (ETUC Confederal Secretary) welcomed the [participants](#) and thanked FO to host the 1<sup>st</sup> seminar of a series of 5 that will emphasise the best practices (and challenges) in terms of detecting and tackling discrimination at the workplace by trade unions. He also underlined the ETUC position on the matter. Following the publication of the European Disability Strategy 2021/2030, ETUC has put forth several demands in order to combat discriminatory practices against workers with disabilities at the workplace, including taking the adequate steps to stop the practice whereby workers with disabilities are paid below minimum wage but also to enforce the implementation of the existing EU Directives on non-discrimination in employment, with a particular focus on non-discrimination to access employment (recruitment process). In addition, the ETUC has called on the European Commission to strengthen obligations for a better adaptation of the workplace to the functionality of a worker with disability. The crucial role of collective bargaining and social dialogue in effectively addressing these challenges was also raised. Finally, he mentioned that the 2023 European Year of skills should also represent an opportunity to support further the inclusion of persons with disabilities in the labour market and society.

➤ Anne Baltazar-Tournes (FO – Head of FO Handicap) thanked the ETUC for the opportunity this learning seminar can represent in terms of discussion and exchanges for the persons with disabilities in the work environment. She stressed the fact that this subject is very important to FO, and that it feeds their network and their union structures within their departmental unions and in their sectoral federations. The key message that was underlined was equality for those living with a difference, and their vision is common law as much as possible with specific actions where common law is lacking. Finally, it was emphasized it was time to move from prescribed equality (by law) to real equality: in France, 1,1million of persons with disabilities have a job but even if this figure evolves positively, the unemployment rate for people with disabilities is twice as high as the rate for the general public. This unemployment situation is often long-term for persons with disabilities. Finally, it was stressed that the importance of trade unions in helping people with disabilities to enter the labour market, but also in preventing them from losing their jobs (many dismissals are due to the worker's disability), and above all in collective action, is paramount.

- **Panel 1 : Fighting disability discrimination at the workplace**

➤ Fabienne Jegu (Défenseur des Droits – Expert advisor on Disability) presented the work of the “*Defender of Rights*” as an independent administrative authority of the Government of France; enshrined by the Constitution of France. One of their missions is to fight discrimination and promote equality of rights.

During the presentation, it was reported the following data:

- In 2022, more than 126,000 complaints were received (including more than 7,000 complaints to fight discrimination)
- Disability is the leading cause of discrimination in the complaints received by the Défenseur des Droits
- 1 disabled person in 2 is a victim of discrimination in employment
- Being disabled or suffering from a chronic illness multiplies the risk of being discriminated against by a factor of 3.



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**REPORT**

Some policy recommendations of the Défenseur des Droits have been emphasized:

- Workers with disabilities should be granted the same rights as any other worker
- Workers with disabilities should be recruited on the basis of their skills, not their disability.

➤ Pascale Ribes (APF France Handicap – President)

APF France Handicap is the largest French organization, recognized as being of public utility, for the defense and representation of people with disabilities and their families. They are also active at the European level (through notably the European Disability Forum). Intersectional discrimination (disabled women workers and young disabled workers, among other interrelated forms of discrimination.) has been emphasized: in France, only 20% of disabled women have a full-time job while 29% of disabled men have a full-time job. It has also been stressed the fact that disabled workers are paid less than their peers and that the stigmatization of persons with disabilities in the workplace, as well as violence and harassment, must also be tackled.

➤ Quinn Roache (TUC - Policy Officer for Disability and LGBT+ Equality) gave a presentation on the “reasonable adjustments passport”, a tool negotiated by trade unions and that has been implemented in the United Kingdom to support the disabled workers in their workplace which must be adapted to their needs. It was stressed that it helped to reduce the need to explain the impairment of the disabled worker each time they change their job but also to reduce the need to re-negotiate their adjustment. See the presentation [here](#).

• **Workshop 1: Disability discrimination**

➤ Testimony from Thierry Langlois, FO, who has a recognised visual disability of 80%. He described the main stages of his career path through various jobs until he joined the Force Ouvrière trade union, focusing in particular on the need for workplace adaptation (workstations, devices, but also the human and relational environment), the needs of disabled workers and the enhancement of skills. He also addressed the issue of discriminatory practices, emphasizing the crucial role of trade union support, both within the company and in the courts.

➤ Beppe De Sario (Giuseppe Di Vittorio Foundation), illustrated the main contents of the background document, with particular regard to the international policy framework (Convention on the Rights of Persons with Disabilities – CRPD, 2030 Agenda for Sustainable Development Goals, Strategy for the Rights of Persons with Disabilities 2021-2030) and the ETUC programme on labour market inclusion, rights and anti-discrimination action in favour of workers with disabilities.

The guided discussion was supported by the Mentimeter application through two questions concerning the type of actions undertaken by union representatives and union priorities on the issue of disability.

- The most widespread union actions focus on collective bargaining, negotiations with public institutions and social dialogue, followed by relations with civil society organizations and the need to make unions more inclusive. Union/community organizing and awareness campaigns are less common.

- The priorities indicated by participants (using a graduated scale) align with high values for the need for integrated action. In this context, the highest values are attributed to workplace adaptation and, more generally, to work organization and flexibility, particularly in the public care and assistance services sector.



**Trade Unions against Discrimination Project**  
**1<sup>st</sup> Learning Seminar on Disability**

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**REPORT**

*Discussion among participants:*

National legislation differs within EU member states. In general, legislative interventions require the involvement of various institutional players and social partners (trade unions and employers' organisations) at all levels, both national and local. The importance of the relationship between trade unions and civil society organizations, particularly those representing and involving people with disabilities, is underlined.

Actions against discrimination and in favour of inclusion must be able to draw on the national social protection system and the integration of different services and sectors (care, social services, school, work) in which the trade union participates both as a representative of public service workers and as a stakeholder through different forms of confrontation and negotiation.

The aspects that define the discourse on disability both publicly (narrative, communication) and in the workplace (isolation and stigmatization by colleagues and employers) are also crucial. At this level, the importance of specific training on anti-discrimination issues for workers' workplace representatives, who are on the front line in protecting rights as well as listening and offering direct support, is particularly felt.

Union action through collective bargaining finds its natural scope in questions of work organization (vacations, leave, teleworking, training, adaptation of the workplace), in the dissemination of information aimed at disabled workers (information brochures, guides, specialized assistance services) and in awareness-raising campaigns both in the workplace and in society at large. In addition to the specific agenda of negotiation topics, emphasis was placed on the importance of cultural change in terms of anti-discrimination, to be achieved through an intersectional approach. In the meantime, the different definitions used at national level and the organizational options for achieving this objective continue to be the subject of reflection, taking into account the specificities of trade union organisations.

- **Workshop 2: Intersectional discrimination (disability and gender)**

➤ Francesca Carrera (Giuseppe Di Vittorio Foundation), introducing the workshop, referred to the background document, and pointed out that the references to "multiple discrimination" in the main international documents (UN, WHO, ETUC) place particular emphasis on the condition of women, girls and female workers with disabilities. This aggravation of discrimination is reflected in the field of employment and appears in the main statistics on the gender pay gap, employment and activity rates.

The Mentimeter application was used to ask the question: "Which workers are victims of multiple discrimination?", in order to flesh out the intersectional approach from the participants' point of view and experience. With regard to gender-disability intersectionality, the responses were as follows:

- *Harcèlement professionnel, particulièrement les femmes handicapées jeunes ou seniors.*
- *Flexible contracts, low pay.*
- *Speaking about intersectionality is to speak about women: black women, racialised women, migrant women, disabled women, LGBTQI women, young women, elder women, poor women, etc.*
- *Women with disabilities suffer more discrimination. Trans and black women even more.*
- *Sexual harassment of disabled women. This is worse if you are a black disabled woman.*
- *Women in low paid, public facing roles (hospitality or care work, for example) who are often on zero hour contracts/insecure work, limited rights.*
- *Women workers with disabilities may be more prone to harassment in the workplace.*
- *More partial time.*



**Trade Unions against Discrimination Project**  
**1<sup>st</sup> Learning Seminar on Disability**

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**REPORT**

- *Small contracts, a person of colour or a black person will likely be discriminated against for that because it is often the first thing that a harasser sees.*
- *Women with disabilities over 44 years old.*

*Discussion among participants:*

The intersectional approach to disability and gender is still under development, partly because of the state of thinking within trade unions, and partly because of the scarcity of statistical data on the status of women workers with disabilities. The focus is on aspects of gender discrimination in the strict sense of the term: the gender pay gap, labour market participation, work-life balance, unpaid care work. The general feeling that emerged was that these dimensions of gender discrimination are deeply rooted and systemic, even if they differ from country to country and in terms of models of social and economic relations. Women are overrepresented among sectors which are the most precarious and poorly paid and therefore has critical aspects in terms of social security measures.

These systemic factors are accentuated in the case of disabled women workers, and are reflected in the resources that can be activated to combat discrimination. The debate in this respect has focused on part-time work, which, depending on national contexts, can be seen either as a means of facilitating women's participation in the labour market, or as an involuntary condition, when it is not compulsory, which accentuates exclusion and precariousness and aggravates the inequality of roles between men and women.

With regard to the particular link between disability and gender, a higher risk has been highlighted for disabled women in terms of threats, violence and sexual abuse in the workplace, a risk that can be accentuated according to sexual identity, nationality and race. Consequently, trade unions need to be sensitive to conditions of potential risk and able to recognize them. Specific assessment tools (e.g. questionnaires and anonymous surveys) should be designed both as a trade union intervention tool and as a practice shared with employers, with a view to prevention or protection in cases of actual sexual violence and abuse.

- **Workshop 3: Intersectional discrimination (disability and ageism)**

➤ Testimony: Alex Norman (FO assistant to the General Secretary) who, based on his own experience, highlighted various problems linked to disability and age discrimination. In particular, young persons with disabilities face administrative and procedural difficulties (recognition and assessment of disability) in the delicate phase of entering the job market.

➤ Opening the workshop, Beppe De Sario (Giuseppe Di Vittorio Foundation) stressed the importance of the intersection between disability and age (among young people, but not only). Statistics show that, at European level, persons with disabilities aged between 20 and 29 have an employment rate of just 47.4%. Youth is already associated with a whole range of employment difficulties, as trade union documents point out: precarious work, employment on platforms or in the informal sector, as well as the fact that there is a higher proportion of young people among migrants.

Through the Mentimeter app, the question “Which workers suffer multiple discrimination?” was asked regarding the ageism-disability intersection. The answers were as follows:

- *Pour les jeunes, un parcours du combattant pour accéder à l'emploi. Pour les seniors le parcours du combattant pour le parcours professionnel, et pour le maintien en employ.*



**Trade Unions against Discrimination Project**  
1<sup>st</sup> Learning Seminar on Disability

*Event held in Paris (France) on 30 November & 1 December 2023*

**REPORT**

- *Persons with disabilities over 50 years old, young women with disabilities, migrant workers with disabilities.*
- *The 45 to 75 year olds with a chronic disability and/or long-term mental illness had relatively less paid work than the group aged 15 to 45. In the Netherlands the problem certainly concerns young people with disabilities as regards access to work but the impact on older workers has not been overlooked due to the risk of growing marginalisation.*
- *young disabled workers, young female disabled workers, young female migrant disabled workers, young female racialised disabled workers, young female Roma disabled women and senior disabled workers.*
- *Relation (transition) school to work. Support for students with disabilities towards job.*
- *Complicated. National data requires strong analysis and unpicking to understand it meaning and can not be taken on face value. Age, Disability, Gender and Race are all elements of effect.*
- *In 2020, in the Netherlands more than 60% of 15 to 75-year-olds with a chronic disability and/or a long-term mental illness had paid work. This is less than people without such a diagnosis, 82%.*
- *Young people with neuro-disabilities, for example, in addition to precarious conditions may suffer more discrimination because they are not recognised or known.*

Participants were also asked how to identify age and disability discrimination in the workplace. The most frequent responses concerned listening to and directly involving disabled workers, changing the approach and seeking a better understanding of this issue by trade unions.

*Discussion among participants:*

It should be noted that the integration of young disabled people into the job market faces many difficulties, not only in the transition from school to work, but also in access to vocational training and career development paths on an ongoing basis. The potential discrimination faced by older workers is different: for them, disability may manifest itself with age through chronic physical or mental illnesses that are not immediately recognizable in the absence of an integrated system of worker protection (legal regulations, employer attention, trade union support). With age, the pay gap and career prospects of disabled workers tend to diverge from those of workers in the same age group whose disability has not been diagnosed. Obstacles to the employment of persons with disabilities, particularly young people, may lie in the criteria for access to social protection measures (minimum income, unemployment benefits, disability entitlements), which do not always take account of the condition of persons with disabilities. A cultural reflection on the different dimensions of age discrimination (ageism), which is not limited to older workers, is needed, both in trade union interventions and in legislation and positive action. The intersection of disability and age also raises the question of the accessibility of reliable statistical data.

• **Panel 2 : Challenges and opportunities to tackle disability discrimination at European level**

➤ Ignacio Doreste (ETUC Senior Advisor) introduced the ETUC positions:

*1/ On the Employment Disability Package presented by the European Commission as part of the Strategy for the rights of persons with disabilities 2021-2030*

ETUC welcomes the Strategy for the Rights of Persons with Disabilities 2021-2030, which was presented by the European Commission on March 3rd 2021, aiming to improve the lives of persons with disabilities in the coming decade, in the EU and beyond. In September 2022, the Commission presented the employment package, enshrined within the strategy, and structured along six areas of action where the European Commission put forward recommendations to Member States to enhance the labour market situation of persons with disabilities,





**Trade Unions against Discrimination Project**  
**1<sup>st</sup> Learning Seminar on Disability**

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**REPORT**

these being the following: Strengthening capacities of employment and integration services; promoting hiring perspectives through affirmative action and combating stereotypes; ensuring reasonable accommodation at work; retaining persons with disabilities in employment: Preventing disabilities associated with chronic diseases; securing vocational rehabilitation schemes in case of sickness or accidents; and exploring quality jobs in sheltered employment and pathways to the open labour market.

ETUC priorities in the negotiating the employment package of the above-mentioned strategy are the the following: Fight against discrimination; active labour market policies to include people with disabilities in the labour market, in an ordinary work environment; Occupational Safety and Health (OSH); adaptation of the workplace to the functionality of a worker with disability; collective bargaining; adequate funding; statistic information to monitor the employment rates of people with disabilities, disaggregated by type of disability; and awareness raising.

*2/On the proposal for a Directive on the European Disability Card*

It was stressed that the proposal was not considering labour-related aspects as it doesn't guarantee the fundamental right to mobility for persons with disabilities (the minimal would be that the rights of the disabled worker remain at least during the period that she/he moves from one country to another).

Finally, it was emphasized the importance of considering collective bargaining and social dialogue as a very valuable tool in order to provide for reasonable accommodation at the workplace and of improving the statistics available on disabled workers. See the presentation [here](#).

➤ Haydn Hammersley (European Disability Forum - Social Policy Coordinator) reminded the audience of the European Disability Days organized in Brussels on the same days as this seminar. This event is an annual conference organized by the European Commission in partnership with the European Disability Forum to mark the International Day of Persons with disabilities. He presented the position of the European Disability Forum on the Employment Package of the Strategy, which is positive as most of their requests have been taken into account (however, he pointed out that there were no legislative initiatives that would have been more binding than softer measures). In addition, he pointed out that since the 2000 European directive on anti-discrimination and employment, there has never been a very good understanding of what reasonable accommodation is. This has also led to discrimination against disabled workers, as it makes it extremely difficult to prove that a refusal of reasonable accommodation has been unreasonable, and to challenge and challenge employers in this respect. He therefore welcomed the Commission's proposed guidance on reasonable accommodation, which should clarify its interpretation of the employment rights of persons with disabilities.

Finally, it was noted that the European Disability Forum defends the fact that disability allowance is normally compensation for all the extra costs you have as a disabled person, and that you should be allowed to work on top of this. As persons with disabilities lose their disability allowance when they start working, it was pointed out that this represents the biggest obstacle to finding a job (*indeed, there is a huge loss of safety nets and entitlements to services when people start working*).

➤ Monika Chaba (European Commission DG Employment, Social Affairs and Inclusion, Policy Officer) introduced his speech by stressing the importance of the European pillar of social rights, which sets out a number of principles (including number 17, dedicated to persons with disabilities, which guarantees equal rights for persons with disabilities).



**Trade Unions against Discrimination Project**  
**1<sup>st</sup> Learning Seminar on Disability**

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**REPORT**

It was then pointed out that the Strategy for the Rights of People with Disabilities was conceived as a set of guidelines, as was the Disability Employment Package, which provides instructions (divided into 6 areas) on how to implement the Equality Directive. It was also stressed that these guidelines should help to combat stereotypes and ensure diversity and inclusion through employment services. In addition, the European Center for the Development of Vocational Training Centre for the Promotion of Vocational Education's guide, which focuses on adult learning, training and careers, provides information on how to create inclusive and accessible training. Finally, participants were informed that the guidelines on reasonable accommodation should be finalized very soon and published at the end of 2023 or early next year 2024. See presentation [here](#).

➤ Fabrice Masi (French Labour Ministry, Deputy General Director in charge of Employment and VET) recalled the importance of the fight against stereotypes and discrimination. He shared some European figures from an Eurobarometer survey from 2019 which shows that one person with disabilities in two felt discriminated against and that only one person with disability in two in Europe has a job, compared to three people in four without disabilities who have a job. He went on to point out that in France, the gap between these unemployment rates has been narrowed in recent years (and thus to reduce the unemployment rate for people with disabilities from 17% in 2017 to 12% in 2023). In addition, it was pointed out that France's national anti-discrimination policy is in line with the European strategy set out in the employment-disability package, particularly in terms of supporting and financing employment policy initiatives for people with disabilities, or even for people more generally who are far from the job market. Subsequently, it was mentioned that global policies in favour of people with disabilities, whether in employment or education, are highly structured (notably through the national disability conferences which bring together all the players concerned every three-four years, but also through the "diversity label" created in 2008 with the French government and social partners, which aims to recognize the effective, voluntary and lasting commitment of an organization or employer to prevent discrimination and promote diversity in the management of its human resources). 1.2 million people with disabilities benefit from this "diversity label" within companies and public administrations. There are also plans to extend this label to very small businesses. Finally, it was pointed out that a "full employment" law is due to be promulgated by the end of 2023, with specific provisions for people with disabilities, and to reiterate the strong principle that these people must be oriented towards the open labour market (as opposed to sheltered workshops,). This move to integrate people with disabilities into the mainstream has been strongly reaffirmed in this proposed law.

