

Opening Doors : Steelworkers' Policy on Disability Rights



The challenge of disability can face anyone of us at any time in our lives. As a child or an adult, as a parent or a friend. All of us reading or hearing this paper read probably know someone who is disabled and having problems with their job. Disability can be caused by work or happen while we are away from work. Disability affects everyone of us in different ways. Those who are born with a disability or become disabled before they begin to work face often insurmountable barriers to ever obtaining employment. For unions, it is a matter of human dignity.

People with disabilities experience major difficulties trying to find and maintain employment:

- Only 41.5 per cent of working-age adult Canadians with disabilities have jobs.
- Working-age disabled Canadians report an average household income of \$21,308 vs. \$29,556 for the non-disabled population, a 28 per cent gap.
- More than 55 per cent of adults with disabilities live below the low income cut-off (LICO) as compared to 19 per cent of adults without disabilities.

Fighting for the rights of workers who are injured and disabled by work is a cornerstone of Steelworker activism. Since the 1940s, in the mining and steelmaking industries – some of the most dangerous workplaces of their time – United Steelworkers' local unions bargained with their employers to provide work for their members who were disabled because of their job. Some of the most progressive and effective programs to assist workers with disabilities retain their employment can be found in Steelworker local unions. Furthermore, no union has been more vigilant in insuring that its leaders, activists, and members are knowledgeable about the duty to accommodate.

The Steelworkers' union has been involved in national and international projects to identify the core elements of an effective workplace program for accommodating workers with disabilities, in particular the International Labour Organization's Code of Practice on Managing Disability in the Workplace and the Canadian Code of Practice by the National Institute for Disability Management.

Despite our efforts, challenges continue to grow for unions:

- Increasingly we hear of harassment of workers with disabilities on the job, conflict, and discrimination.
- There are increasing numbers of workers who need to make disability claims related to stress and mental illness.
- More and more people have to rely on unions to defend them since the grievance process and arbitration is more effective than Human Rights Commissions.
- The Supreme Court of Canada, with decisions like the Meorin case, is taking a broad view of an employer's duty to accommodate and imposes liability on unions who do not support the employer's efforts to accommodate.
- Employers are not encouraged to hire people with disabilities.
- Most long term disability insurance plans do not provide help to workers with disabilities who want to return or remain at work. When benefits run out, workers are left with nothing but their disability.

As the membership of our union ages, the risk of disability increases substantially as does the impact on our jobs. On the other hand, if we can negotiate with our employers to accommodate a job for a person with a disability, we also open the possibility of making the job safer and secure for all of us and of identifying the reasons why people are becoming disabled at work.

In Toronto and Mississauga, Area Councils have created injured worker programs funded by a per capita on all the members of participating locals. These programs provide members with representation before the workers' compensation board and the Canada Pension Plan as well as help for individual workers to return to work.

Our efforts to assist our most vulnerable members and potential members strengthen the union in many ways.

We believe that the union can best represent its members by adopting a comprehensive policy stating our support for the employment of people with disabilities who want to work. The policy must:

- Affirm the responsibility of government to improve opportunities for persons with disabilities and provide for the removal of barriers to their full participation in society.
- Recognize that all people with disabilities who want to work should be accommodated by their employer.
- Demand equal treatment and opportunity in employment for all people with disabilities.
- Increase opportunities for members with disabilities to participate and be represented in their union.
- Secure adequate financial support for members who cannot work because of their disability.
- Represent members and potential members with disabilities in dealing with the employer to secure effective and prompt accommodation.
- Recommit the union to lobby for employment equity across Canada.

Opening Doors: Moving to Action

1. To further the objectives of the Steelworkers Union policy on employment of people with disabilities, we would adopt the following:
2. All collective agreements should include a commitment from the parties to accommodate employees with disabilities regardless of the cause of the disability, and regardless of whether temporary or permanent. Contracts should also include anti-harassment and anti-discrimination provisions.
3. The union would develop a booklet for union activists and bargaining committees on negotiating and using the duty to accommodate, return to work policies, and health and safety protections.
4. Union schools should regularly include a module on the duty to accommodate, especially in training for stewards, local union leadership, health and safety, and workers' compensation.
5. Based on the experience and research of local unions, injured workers and human rights activists, the union should develop a checklist for consensus-based programs for accommodating employees with disabilities.
6. Local unions should bargain language to make it easier for union representatives to act early to protect the employment of employees with disabilities, such as joint return to work committees, in-plant training for all members about the benefits of the duty to accommodate and an effective program to support accommodation.
7. The union should investigate the best options for collective agreement language to support the recruitment of people with disabilities when employers are hiring.
8. Lobby government, workers' compensation boards, and private insurers to require employers to adopt, as a minimum standard, a consensus-based program for accommodating employees with disabilities based on the Canadian and ILO Code of Practice.
9. Lobby government to legislate meaningful achievement and compliance with employment equity.