



ADA Live! Episode 101: Disability Employment Policies in the United Kingdom

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Speakers:

Kim Hoque, Professor of Human Resource Management at Warwick Business School

Lord Kevin Shinkwin, Member of the House of Lords of the United Kingdom

Peter Blanck, Chairman of the Burton Blatt Institute and University Professor at Syracuse University

Lord Kevin Shinkwin: I'm Kevin Shinkwin.

Kim Hoque: And I'm Kim Hoque, and you're listening to ADA Live.

(singing)

Yo. Hi, Let's go, rolling.

Barry Whaley:

Hi, everybody. On behalf of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and the ADA National Network, welcome to this episode of ADA Live. I'm Barry Whaley. I'm the project director at the Southeast ADA Center. As a reminder listening audience, if you have questions about the Americans with Disabilities Act, you can use the online form anytime at adalive.org.

Barry Whaley:

On this episode, we'll look at disability employment policy in Great Britain. In the UK, over 60 disability organizations have united to press the British government to take more action to end employment discrimination against people with disabilities. Much like the U.S. the employment gap between people with disabilities and non-disabled people is large, with no evidence of narrowing that gap in sight. To address this, these groups have introduced the Disability Employment Charter. The charter, drawn up by charities, academics, trade unions, lays out nine actionable steps the government needs to take to address employment inequities experienced by people with disabilities. These steps are very bold and they're very ambitious. So we're honored today to have as our guests, Lord Kevin Shinkwin, member of the House of Lords, in the United Kingdom and Professor Kim Hoque, Professor of Human Resource Management and Director of the Industrial Relations Research Unit, University of Warwick Business School. They'll discuss how the Disability Employment Charter came about, its vision, its mission, and impact for people with disabilities. Our host today, Dr. Peter Blanck, chairman of the Burton Blatt Institute and university professor at Syracuse University. Peter, I'll turn it over to you.

Peter Blanck:

Thank you, Barry and Lord Shinkwin and Professor Hoque. It's a great honor to be with you both. You are both extraordinary leaders in your country, and we have much to learn from what you have undertaken. Unfortunately, in the United States, the typical American probably knows more about Harry Potter than he does about the Americans with disabilities Act, or she, or let alone the UK disability anti-discrimination efforts, as well as UK law. Perhaps we can start with an understanding that in the United States we have now passed the 30th anniversary of our Americans with Disabilities Act, and yet the employment picture for people with disabilities generally hasn't shifted all that much. And in some ways, as we'll talk about I'm sure, has been transformed and complicated by the terrific, international pandemic, which has social and economic implications, besides health implications, that we are all dealing with. But perhaps if I may, Lord Shinkwin and

Professor Hoque, you can lay a foundation about disability perspectives and employment in the UK, and why it has led you to take the path you have taken.

Lord Kevin Shinkwin:

Peter, if I may go first. What I'd first of all like to say, is that the Americans with Disabilities Act has laid the foundations for so much of what we have done, here in the United Kingdom. So, I wouldn't underplay in any way its significance. It preceded our legislation by five years and was a really, really important milestone for us. It provided impetus and enabled us, and particularly the disability movement, to argue that we needed legislation, civil rights legislation, here in the UK. Without the ADA, it would've been so much harder for us to make that case. Peter, in response to your important question about the progress made since the Disability Discrimination Act, or DDA, that was passed 26 years ago, I will leave it to Professor Hoque to talk about the statistics, but what I can say is that the disability employment gap stubbornly remains at about 30%. It has fallen slightly in that quarter of a century or so, but nothing like as much as was hoped it would when the act came into law.

Peter Blanck:

Thank you, Lord Shinkwin. Before we turn to Professor Hoque, may I ask about your passion for this area and your leadership in the UK government? How has that been developed and received? And what are your aspirations for going forward? And then of course we can speak about the charter with Professor Hoque.

Lord Kevin Shinkwin:

Of course. Thank you. So, I should just clarify, I'm not in the government. We have quite a clear delineation between government and what we call back benches. I'm only a back bencher and I'm a Life Peer. So I was appointed, I haven't inherited a title. I wasn't born with a silver spoon. I was born with a broken leg, which was the first warning sign that I had brittle bones. My passion is equality, equality of opportunity. And not just for disabled people, but across the piece. So, looking at gender, ethnicity and LGBTQ+, because I think there is so much encouragement to be derived from looking at the progress of

women, and for example of the LGBTQ+ community, that helps us to believe that society and society's attitudes can change.

Lord Kevin Shinkwin:

In terms of my engagement with government, and your question about how well has, what I am asking for been received, the answer is not well because sadly the system, government per se, still suffers from a deficit of lived experience. Thankfully, not on ethnicity, nor on gender or even LGBTQ+. But on disability, there is a massive deficit of lived experience. So, what that means is the conversation around the cabinet room table is still being conducted by non-disabled people talking about what they're going to do, to and for, disabled people. Until you change the composition of a boardroom table, you'll never fundamentally change the conversation.

Peter Blanck:

Well, I think that's a very good point at which our research center, we have a national research training center in the United States, which is looking at among those exact issues, in terms of not only boardroom participation in the private sector, but of course leadership, from the CEO on down. Besides having somebody with a disability, or of color, or a woman, and I'm not denigrating that position, working as a Chief Diversity Officer, which is important, but nonetheless, it's important for diversity in the operations of the business as well. Professor Hoque, may I turn to you to reflect perhaps and expand on what Lord Shinkwin has been discussing? You are a leading researcher and expert in the country and involved with very innovative approaches, such as the National Charter. And perhaps you can build on what Lord Shinkwin said and tell us about your activities.

Kim Hoque:

Yeah, thank you very much, Peter. So, the work that I've been doing over the last, probably seven or eight years now, in the disability field has been with my Disability@Work colleagues. We came together, as I say, seven or eight years ago to form Disability@Work, to provide a nice way of branding really the work that we do, to give it greater visibility. That has then subsequently led me to become involved with the

All-Party Parliamentary Group for Disability, for which I now co-provide the secretariat. And Lord Shinkwin is actually the Vice Chair of the All-Party Parliamentary Group.

Kim Hoque:

And this has been an absolutely excellent way, really, of being able to influence policy debate within parliament, and to inject a research focus into that policy debate as well. And that's fed through into reports that we have written for the All-Party Parliamentary Group. And it's also fed into the fact that the All-Party Parliamentary Group itself has been able to open doors to us, to policy makers, to the Minister for Disabled People, for example. And these are exactly the sort of people that you really want to be talking to, if you're attempting to influence policy.

Peter Blanck:

Now in the United States, our institute, the Burton Blatt Institute and its sister center, the Southeast ADA, have been very fortunate to receive this past year, two large center grants, which are national, one of a kind, grants to look at the future of work for people with disabilities, from a rigorous scientific approach. For example, we are conducting randomized control trials studies, of workplace accommodations and corporate culture, and so forth. My question is in the UK, how have you been able to get a handle on some of these metrics about board composition, provision of workplace accommodations? And in what ways will the National Charter, which please tell us about, facilitate those efforts for a more rigorous base of information that employers can use?

Lord Kevin Shinkwin:

I think the metrics are very important, totally agree with you on that. Our national health service has a set of metrics that include, not only pay gap for disability and other protected characteristics reporting, but also progression in terms of representation at different levels and representation on decision-making bodies, for example on committees or boards. And what's really, really intelligent, and Professor Hoque will be able to elaborate on this, is that we're finding that despite the fact that government has been dogmatic in its dismissal of the case for transparency and consistency, that is so essential

in enabling true meritocracy and competition by providing a level playing field for firms who want to compete for diverse talent.

Lord Kevin Shinkwin:

Actually businesses like Clifford Chance, and I would single out Matthew Layton its global managing partner, as a fantastic example of the leadership that you highlighted as being essential. They are already doing what government are saying businesses aren't willing to try. They're actually already doing it, in terms of, for example, pay gap reporting, as is EY and other big companies. So what government is saying can't be done, businesses are already getting on with doing.

Lord Kevin Shinkwin:

And government is making itself, in the UK, increasingly irrelevant because they have their head in the sand, and the momentum lies with the big corporates. So, I think it's time that government caught up. And I'm really happy to put on record my gratitude to Professor Hoque for developing the charter, and giving the government an opportunity to think again and really engage with disabled people and business about the way forward.

Peter Blanck:

Thank you for that answer, Lord Shinkwin. And thank you, Professor Hoque. Before I turn to you, Professor Hoque, I just want to remind our very large ADA Live listening audience across the country that if you have questions about this topic or any other ADA live topics, you can submit your questions online at www.adalive.org, or call the Southeast ADA Center in the USA at 1-404-541-9001. And now a word from our episode sponsor.

Voice Over Announcement:

The Disability Employment Charter is a call for the government of the United Kingdom to act. It proposes a set of vital measures that, if implemented in a concerted manner, would substantially shift the dial on disability employment. By setting out clearly, and simply the actions needed, it provides government with a roadmap for change, as it develops the next phases of its national disability strategy. The charter consists of nine areas of action.

Each of the nine areas contain several specific tasks that we believe will help engender significant improvement to disabled people's employment outcomes. To learn more about the Disability Employment Charter, please visit www.disabilityemploymentcharter.org.

Peter Blanck:

So, Professor Hoque, tell us more about the UK and the charter proposed, and what may be some of the tangible outcomes you expect and hope, and what are some of the challenges ahead. And of course, please talk about the elephant in the room, and that is the COVID pandemic and its implications.

Kim Hoque:

Yeah, absolutely. Thank you, Peter. So just in terms of a bit of background on the charter itself, and so on. This is something that I had as an idea really about three, four years ago now, that it occurred to me that there's a lot of people who talk to government about matters to do with disability employment policy. A lot of people trying to get government to go in certain directions and a lot of those suggestions and ideas that people are putting forward, they actually overlap quite closely. So, what would make sense would be for those groups to come together to form something along the lines of a charter, where they can then have a much more united front to government and say, look, this is what we're calling for, this is the set of policies that we would like to see you implement.

Kim Hoque:

As a united front, they would be much stronger. It would be much clearer to government what it is that people are actually calling for, because everybody would've galvanized around this and they'd have put their name to it. And this is what they'd be calling on the government to do. So, this isn't actually anything that I did anything about for quite a while. I then had a discussion with a very senior individual at Disability Rights UK, who quite liked the idea, ran the idea past a number of other organizations in the disability world, and then the coalition of the founder members came together. So we now have on board, on the coalition, the Business Disability Forum, we have Disability Rights UK, and those are both two very important national level organizations. We've got national level

charities, such as Leonard Cheshire and Scope. We've got the DFN Foundation and the Shaw Trust Foundation. We also have Unison, which is the country's largest trade union. And of course, University of Warwick and my organization, which is Disability@Work.

Kim Hoque:

So, the charter itself came together as a result of discussions that we had between us, in relation to all the sorts of things that we'd been pushing the government to do. We brought together in the charter. That actually took quite a while to do, as you can imagine. But it occurred to us that if we across the coalition of founder members could reach agreements, in terms of what it is we wanted to go in there, there'd be a distinct possibility that we would be able to get other organizations to sign up to it.

Kim Hoque:

So, we launched the charter in October. And at that point we had 37 signatories in total to the charter. Since that time, that number has grown to 64, which in our view sends a message to government which is pretty strong, around the fact that the sorts of policies and proposals that are outlined within the charter, that there's a lot of support for those, that there's a great deal of consensus. There's a very strong platform of support, with people aligning behind the charter, and basically saying to government these are the sorts of policies that we want you to put in place. If you put these in place, we will not in any way object as employers to that. We think that the sorts of things that the charter are calling for are needed. They will create a level playing field. They will actually push us to go further, in terms of what we're doing around the employment of disabled people.

Kim Hoque:

So, that was really what it was all about. It was being in a position where when we go and talk to governments, that we're not just going in and talking to government as individual organizations where the government can then just say, well, it's just you saying that, isn't it? You know, if we went to talk to somebody else, how would we know that they would actually be saying the same thing? We're now in a position where we can say to government, look, we've got these nine key areas that we want you to be focusing on.

We've provided you some detail, in terms of what those nine key areas should be. We're all in accordance with this. We're all aligned behind this, and this is what we want you to move forward on. And that's a very powerful message. And that's very difficult I think for government to ignore given, as I say, the number of organizations that are now aligned behind the charter

Peter Blanck:

May I ask you both, perhaps it's my lack of understanding, but in the United States, of course, we are not a country generally that has a concept of universal healthcare and the type of benefits, at least I understand, social safety net benefits, that are generally available in the UK and other countries in Europe. My question is, in light of those safety net protections that you have, at least from an American point of view, why has the employment rate for persons with disabilities been still so stubbornly low, and not all that different from that of the United States?

Lord Kevin Shinkwin:

So, in answer to your question, Peter, I think the stubbornness issue is because the conversation fundamentally remains the same. Which is, because there is a deficit of lived experience in government and in Parliament, non-disabled people are still going around in circles, asking what to we do for and to disabled people? And until the question is asked by disabled people around the table, saying "what can all of us do?" then in Education, and in what we call Work and Pensions, where the benefits that you mentioned for disabled people here in the UK are administered. Until that happens those key departments won't be sufficiently focused on transforming the life chances of disabled people and equality of opportunity. Because until we address education and employment, and also housing and independent living, but particularly education and employment, we won't make progress.

Lord Kevin Shinkwin:

As a closing statement, I would just like to say a huge thank you to ADA Live for hosting this event. And to reiterate my enormous gratitude to the United States for spearheading

the drive for civil rights for disabled people, through the ADA. It was such an important milestone for us to build on. And it is down to politicians with lived experience like myself, with allies, such as Professor Hoque and the growing number of businesses committed in practice to equality of opportunity, to realize the potential that was set by the ADA and five years after that, by our own Disability Discrimination Act. Thank you very much.

Peter Blanck:

Thank you Lord Shinkwin, it really has been an honor to speak with you and for you to take your time to express your leadership and your commitment to this area. And I hope that we will continue in the United States to learn from your important efforts and share with you those advancements that we may undertake here as well. Thank you again.

Peter Blanck:

So, Kim, do you want to fill in with any final statements about your research, and how you hope to examine the effectiveness or implement the effectiveness of the charter? And what perhaps, not all these questions but any one of them, what is next in the UK? Are there any important cases, legal cases, or initiatives on the horizon, proposed legislation and so forth?

Kim Hoque:

Okay. So, I think that the big thing at the moment that's going on in the UK, in the disability employment field is the National Disability Strategy, which was launched by the government in July of this year. It was supposed to be, or at least as the Prime Minister promised, it was going to be ambitious and transformative. Now, I think a lot of people in the disability field looked at the national strategy when it was published and said, well, it's a start. At least employment is in there, but really what it's doing is announcing more in terms of consultations and reviews than it is of substantive new policy. So for example, there's a consultation in there which is on the introduction of mandatory disability employment reporting, which is good to see, but it's only a consultation. We don't know where that's going to end up. There's also a review of the government's Disability Confident Scheme as well, which again is positive. Myself and a lot of other people have

argued that it needs to be reviewed. But again, we don't know where that's ultimately going to end.

Kim Hoque:

So, I think a lot of people looked at the national strategy and said, there's a lot more that could be done. The government can, and should have gone, significantly further than it did. And I think in many ways that provided a fair bit of the impetus for the Disability Employment Charter, because what the Disability Employment Charter does, is outline the ways in which the government could be doing that, and the sorts of policies that it could be putting into place. That's why I think it kind of really grabbed the public imagination and has got onto the minister's radar already. We had a discussion with her about the charter only yesterday. She raised the charter as well in a speech, which she gave in the House of Commons yesterday evening. So it's very much on her radar.

Kim Hoque:

So I think in the immediate future, what we'll be looking to do with the charter is to influence the mandatory disability employment reporting consultation, with the view to actually getting mandatory disability employment reporting put into place. We want to see that in place for all employers with 250 or more employees. And the other thing that we'll be looking to do, as it's ongoing at the moment, is to influence the government's review of the Disability Confident Scheme.

Kim Hoque:

So really, what the charter is about now is two things. Well, probably three, actually. I think we need to carry on promoting it. We need to get more corporate sign-up to it. The more corporate sign-up to the charter, the better, because I think that's really going to make the government sit up and listen. When they see that employers, as well as trade unions, and charities, and disabled people's organizations are aligned behind the disability employment charter. We need to make sure that it is publicized as widely as possible, so that as many disabled people as possible are aware of its existence. It then becomes important, not just for all the reasons we've discussed so far, but it actually

becomes important in electoral terms. It actually matters to the government, in terms of votes, that disabled people can see that they're responding to these sorts of initiatives.

Kim Hoque:

And then the other thing that we need to do is to leverage the charter as much as we possibly can, from the points of influencing government policy in the areas that government's focusing on currently, and also in relation to the areas that governments is hopefully going to be turning to in the future. And if it doesn't turn to those areas, we will be pushing as hard as we possibly can to make sure that it does. So, in terms of the charter, they're the key things.

Kim Hoque:

Now, I'd also like to say in terms of the charter, that these are not, if you will, ideas and policy recommendations that have just simply been plucked out of the ether. These are all policy recommendations that are backed in research. Some of that research done by myself and my Disability@Work colleagues, some of that research done by the other founder organizations to the charter. So there's a good substantive background to it. A lot of the Charter's recommendations are also reflected in the Center for Social Justice, Disability Commission's report. And that was the commission that was led on by Lord Shinkwin. And that itself is important, because it's saying to the government, look it's not just us, there's a whole range of different organizations that are calling for a pretty similar set of policy proposals that they would want to see put in place. It really is time for you to sit up and listen to these policy proposals, because it doesn't matter who you go to talk to, you're going to be getting exactly the same message from all of those different parties, in terms of what it is that we want you to do.

Kim Hoque:

So I'm genuinely hopeful and optimistic at the current time that we are going to be in a position where we can push forward with the charter, and really press the government to introduce the sorts of proposals that it contains. And then, if we see those introduced in a

concerted fashion, then hopefully what we would all want to see is that that then leads to a step change, in terms of improving disabled people's employment prospects.

Peter Blanck:

Thank you, Professor Hoque. I want to thank you for your leadership and initiative and important research as well, in terms of documenting the impact of these policy and practice initiatives on the lives and quality of work of people with disabilities. Our listeners are very fortunate indeed to learn about your initiatives, so that we may further our own here. And I hope in the future, we will continue this conversation.

Kim Hoque:

That's great, Peter. Well, thank you very much for giving me the opportunity to speak to you and to introduce your listeners to the charter, and to give you an idea in terms of what it's about, and what we are looking to achieve. And I would love to be able to talk to you, come back maybe in six months time and 12 months time, and talk to you about the progress that we've made with it.

Peter Blanck:

I would very much look forward to that, and I know our listeners would as well. And I'll turn it back now to our host Barry Whaley.

Barry Whaley:

So Kim, I was just curious in approaching employers to sign on or endorse the charter, is your approach the same or different between UK based employers and say multinational corporations operating in the country?

Kim Hoque:

Yeah, that's an interesting question actually. I think what we are trying to do at the moment is, well, so far our focus has been on getting disability focused charities to sign up, disabled people's organizations, and so on. We're just shifting our attention now to

corporates, and we're only making a few soft approaches to corporates at the moment. We've got about five or six signed up. We've got our first FTSE 250 employer signed up, which is Page Group. That's really quite a major thing for the charter, because that is such a massive firm.

Kim Hoque:

What we're focusing on in the charter is the policies that we would like to see government to introduce. And of course, those are policies that will apply to the UK workforce of that company. Now, it may well be the company would say, well, actually, there's a lot of stuff in here for us to think about in terms of things that we should just be doing anyway, as a good employer. And we should be doing that, not just for our UK workforce, but for our global workforce. But the approach to companies in the context of the charter is to say, look, this is about UK policy. The policies that are introduced will apply to the UK workforce. So, if you have employees outside of the UK, that at the current time doesn't actually apply to them.

Barry Whaley:

We have found like several groups or companies in the U.S. have disability affinity groups, one that comes to mind is we've done some work with General Electric. So, maybe the place to start is to find those disability affinity groups within those corporations, your entree.

Kim Hoque:

Yeah. That is true. We're doing that with the NHS at the moment. They've got a Disabled Director's Forum, I think it's called, which is some very, very high profile people involved in that. The higher you go in, the better to be honest, Barry. Otherwise, you have to work your way up through a whole series of committees in order to get to the actual... Nobody will sign this off, except for the board. This has got to go to the very top to get sign-off, which makes it a very lengthy process to get anybody to agree. They don't agree to this stuff lightly, because nobody in the organization can commit the organization to the

charter, other than the board. So, fortunately we have people involved in the charter who have very high level contacts.

Kim Hoque:

We're hoping come the new year, when we actually start to, in a much more concerted way, go after corporate sign-ups, that this is something which is going to really open doors to us. And like I say, for this government, it's about that corporate sign-up. That will really make... If they see that employers are aligning behind this, and are perfectly happy with the proposals in the charter, and are supportive of the proposals in the charter, I think that's the point in which the government will sit up and listen. It already is sitting up and listening, but it'll really take it on board I think, if we get that corporate sign-up.

Barry Whaley:

Yeah, very good. And all you need is a couple of good champions that really people sit up and take notice.

Kim Hoque:

Yeah. I think that's absolutely right. You tend to get that bandwagon effect, don't you? So, if one or two... If we manage to get a major bank, or a couple of major banks in the UK signing up to this, you would imagine other firms in the finance sector, in the banking sector, would follow suit. So doing this on a sector by sector basis, is important as well. And getting that key player, and others will hopefully follow. I think that's absolutely right.

Barry Whaley:

Well, yeah. Well, I read through the charter. I looked at the points. I wish you luck with this. It looks like a great piece of legislation.

Kim Hoque:

Right Barry. Thanks very much. Thank you.

Barry Whaley:

Yeah. Lord Shinkwin, Professor Hoque, thank you so very much for being our guests today. And of course thank you to our ADA Live listening audience. You can access all ADA Live episodes with archived audio, accessible transcripts and resources on our website, at adalive.org. You can listen to the SoundCloud ADA Live channel at soundcloud.com/adalive. Download ADA Live to your mobile device and your podcast app by searching for ADA Live. If you have questions about the ADA, you can use our online form anytime at adalive.org or contact your regional ADA center at 1-800-949-4232. Remember those calls are always free and they're confidential.

Barry Whaley:

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We also invite you to tune in to our new podcast Disability Rights Today. Disability Rights Today is your source for in-depth discussion on important court cases that shape the Americans with Disabilities Act. You can learn more at disabilityrightstoday.org. See you next episode.

4 Wheel City: (rapping)

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