In 2014, Leigh Day commissioned independent research into the experience of disabled people in the workplace, and published the findings in a report called 'The Purple Workforce'. Leigh Day convened the round table in February 2015 to draw together experience and expertise which could develop new initiatives to improve the experience of those we all work with.
# THE PURPLE WORKFORCE

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Introduction to the Round Table Event

In 2014 Leigh Day commissioned independent research into the experience of disabled people in the workplace, and published the findings in a report called ‘The Purple Workforce’.

Our motivation was a frustration that in private practice we come across the same issues time and time again and, while we are able to help individual clients, it feels like we are trying to do things brick by brick rather than seeing the bigger picture. We were keen to know whether the experiences of our clients reflected what organisations working on the frontline see, and in February 2015 convened the Round Table to draw together experience and expertise which could develop new initiatives to improve the experience of those we all work with.

The Round Table discussions were lively and productive, with a number of different perspectives represented and many insights and ideas shared. The purpose of this document is to capture key points and to provide a reference point for any future meetings or actions arising from the Purple Workforce project.
Main Findings of the Purple Workforce Report

Our research examines the views of the approximately 4 million working age people in Great Britain whose disabilities limit their ability to work, and which bring them within the scope of the Equality Act (the current incarnation of the Disability Discrimination Act). That’s 1 in 8 of a workforce of 32 million.

Our figures show that around 1 in 5 of these disabled people feels unsupported and discriminated against, on a range of measures. This result suggests around 800,000 disabled people in Britain feel they are being/have been discriminated against in employment.

Nearly half of our respondents who might apply for a new job said they would not feel confident in disclosing a disability when applying for a job.

75% of the sample gave their reasons for lack of confidence as being around fear of discrimination, not personal factors such as ‘embarrassment’.

About 40% of those with a disability whilst in employment have asked for adjustments. Personal feelings (e.g. ‘not wanting to draw attention to disability’) are prominent in reasons for not asking.

Less than half of those asking for adjustments received everything they requested, and nearly a third reported that they received no help or received very little help following the request.

Parts of the picture are positive, with most of those with a disability whilst in employment enjoying the support of colleagues (66%) and managers (56%). But there’s still more to do:

- One in six do not/did not feel supported by colleagues
- One in four do not/did not feel supported by their employer/senior management
Perspectives from round the table; the experience of workers in the field

Work after a life-changing injury or illness

People who become disabled as a result of life changing injury often need to be shown that returning to work is a ‘manageable challenge’, one that they can overcome. However, a number of barriers to this present themselves: personal challenges, and employers’ concerns about difference and about reasonable adjustments. Worry about how and when to disclose a disability when applying for jobs is pervasive.

These barriers can be daunting to those applying for work and those already in post; self-esteem is impacted by colleagues and employers treating someone differently after their injury. Confidence needs to be built ‘on both sides of the fence’.

Working with mental ill health

People with mental health problems have the lowest employment rate of all disabled people, despite so many wanting to work; 14% as compared with 46% of disabled people as a whole. Employment can support recovery, but a poor quality experience at work can be damaging.

Employer attitudes are central to overcoming this significant exclusion from the workplace; many admit considering employing someone with a mental health problem to be a ‘significant risk’, and state that there is mental health prejudice in their workplace. There is often an assumption that poor mental health will lead to underperformance.
The stigma surrounding mental health needs to be challenged. Employees do not feel able to report their difficulties. As a result they do not receive the benefit of legal protections or in-house support, and their situations can worsen. Support groups have noted an increase in the number of calls regarding employees being forced out of their workplace after declaring mental health problems.

There are many things employers can do to support staff members with mental health problems. These include changes to how the role is performed (e.g. flexible working), changes to the role itself (e.g. temporary reduction in responsibilities), and increased support (e.g. providing extra feedback).

**Importance of flexibility**

Most discrimination is not overt; it is complex and involves lots of factors. A breakdown of the employer-employee relationship can involve, for example, the failure to implement reasonable adjustments, but this does not occur in isolation - a lot of factors are at play. Can we uncover those themes which will allow support groups to suggest interventions aimed at resolving situations before the relationship has broken down?

Most disabled people see 'flexibility' as the primary change they would need to return to / stay in work. Is there a way to allow flexible sickness leave to assist disabled employees during periods...
of crisis or change? This would not lead to a financial deficit for the employer but would allow the employee to maintain contact with the workplace by doing some work, rather than having to either be at work as normal or absent on sick leave.

**From employers’ perspective**

Employers face legal and reputational risks in their recruitment processes – this is a ‘stick’ that can be used to encourage better practice.

We need to remind employers that disabled people often outperform their non-disabled colleagues if appropriate adjustments are put in place.

It is important to change the language around disabled people in the workplace, focusing not on the disability, but instead making it about what is practically needed for the job to be done well. Talk of ‘disclosing’ disability is also unhelpful as disability is not a shameful secret. The more people are open about disability, the more it is normalised.

The ‘two ticks’ scheme covers 20% of the workforce. But employers report difficulty finding disabled people to recruit. If disabled people do not say that they are disabled on the application form they cannot take advantage of the guaranteed interview system where this applies.

**How do we effect change?**

**Breaking down perception barriers**

Employers may be afraid of broaching the subject of disability for fear of saying something ‘wrong.’ Disabled people are the experts in their situation, and they need to recognise that employers may need help to understand what the issues are. Employers should feel comfortable talking and asking questions, and employees should meet them halfway. Everyone must be open to making mistakes and learning together.

‘Equality & Diversity’ as a distinct area of activity should not exist, it is just good business sense to have good employee engagement as this impacts positively on productivity. This goes beyond disability, to supporting those with children or those experiencing a bereavement – how can we get this message across?

Some support groups’ approach is to focus on the good business sense involved in ensuring that all employees are supported in the workplace, rather than employing a more confrontational approach. With recruitment it is not about positively discriminating, but rather emphasising that if the process is fair for disabled people then it is fair for everyone.

A paradigm shift is needed against the idea of ‘disabled employees’ and ‘other employees’ – we are all employees and we are not homogeneous, but all have our own abilities and difficulties regardless of disability.

Two mind-sets can have a major impact on an individual’s employment prospects:

- The personal mind set – a belief in oneself; too often, we see people who are already employed at the onset of a disability being reluctant to escalate problems.
• Mind set of employers – if they see disabled people as a ‘hassle’ and as having additional needs and requiring a financial commitment from them.

Compulsory disability awareness training, with more in-depth training for management, would help to address these perception barriers. Work-buddies trained in particular disabilities would also be positive in supporting dialogue.

**Giving people with disabilities the confidence to ask for help**

It is important that disabled people know about their rights, potential benefits, and available assistance in the first place, e.g. about reasonable adjustments and Access to Work, otherwise they will not know to ask.

Charities are already trying to inform their members about these benefits, but the message is somehow not getting out – how can we try and inform disabled people of the systems in place to support them?

Companies should actively engage with diversity – not just conduct minimal training. This can change the culture of the workplace.

A good place to start would be for the employer’s diversity policy (including, where applicable, its participation in the guaranteed interview scheme) to be displayed at the top of application forms. This would signal that diversity is considered to be centrally important.

Disseminating information on what Access to Work can provide – i.e. not just minimal support but significant assistance – would also help. Information about Access to Work, and awareness of what it can provide, is currently extremely poor.

**Pragmatic reasons to improve the lot of disabled people at work**

So many problems are caused by not identifying a problem and intervening early, but everyone would benefit if early action were taken. The fear of getting it wrong, and of being sued can inhibit employers; but they risk incurring damage to reputation, and financial risk, by avoiding the issues faced by disabled employees.

**Make it easier to recruit / employ people with disabilities**

The Business Disability Forum have implemented, within their member businesses, an ‘Access to Work Passport’ for temporary workers who move jobs a lot. Previously employees would have to make a new application for assistance through the Access to Work scheme each time, and this stops people wanting to apply and is a waste of government funds.

**Highlight and celebrate best practice**

Making disabled people feel more comfortable about applying for jobs can have a positive impact on the number of disabled people applying, being employed, and remaining employed. As an example, Belfast Council’s independent phone line for disabled people to get advice on how to apply for jobs at the Council made a huge difference.
Flexible working

Retention of staff is increased with a flexible approach for people who become disabled. The time may be right for the concept of ‘disability leave’ to be pushed forward. Systematic change is more likely to be achieved if it is legislated, rather than relying on case law.

Creating a Database of ‘reasonable adjustments’ made

Often reasonable adjustments are cheap and easy to implement, but are employers aware of this? Building a database of examples where reasonable adjustments were implemented – what they were, what they cost, what needs they were made in response to, what the impact was – could be a productive way of showing employers how simple adjustments can be to implement, and remove the ‘fear factor’ by showing them that their competitors are successfully implementing these adjustments for their employees.

Where larger adjustments are needed, employers may be tempted only to implement the cheapest ones, ignoring the advice of experts and the employee’s need – and this can affect the working relationship. Again a Database could assist by giving concrete examples of best-practice to encourage employers to make adjustments that are fit for purpose.
Opening up new work opportunities

As a rule, larger companies have more resources, including HR departments, and usually have better records as employers of disabled people. However, recent job growth has been led by SMEs – therefore charities and Government would do well to try and better inform SMEs about disabled people in the workplace and the resources available to support their employment such as Access to Work. A similar problem exists within the larger companies – the centre may have good intentions, but these may not be passed down to branches. Again, better communication from the centre will ensure that progressive initiatives from central management are translated into meaningful local action and change.

Develop a better link between employers and disabled people looking for work.

Some large companies are actively seeking to recruit disabled staff but are finding that disabled people are not applying.

A number of potential ways to match disabled people to vacancies already exist and could be developed:

- There may be a way to better use the Business Disability Forum’s website as a way to put employers who are keen to employ disabled people together with disabled people looking for work.

- The Business Disability Forum also have an in-house video called ‘Dialogue with a Difference’, which is similar to Scope’s ‘End the Awkward’ advertising campaign.

- Business Disability Forum are creating a ‘Bereavement in the Workplace’ document – perhaps more of these can be developed.

- Job Centre Disability Employment Advisers are an important first point of contact, but need information to fulfil their role better. Charities could work with them more?

- Could a quarterly publication from the DWP explain where job opportunities are around the country, so charities can direct people to the correct places?

Bank of successful cases – demonstrate to employers how it can work.

Encourage companies to consider what it says about them to be/not be supporting disabled people in the workplace, and to think about the benefits to their business.
Summary

The Purple Workforce report and Round Table helped bring together a group of concerned organisations to share ideas on improving the working lives of people with disabilities. At Leigh Day, we ask ourselves, can we approach the situation differently having formed these new relationships?

It is clear that good practice does exist – we can promote this and use it to encourage others.

A paradigm shift is needed – to see people as people, to remove the fear and guilt, for employees and employers alike. Developing a climate where people feel free to ask for, and offer, help and discuss potential improvements will benefit everyone.

The more disabled people come forward, the more disability will be normalised and the greater the chance for positive change – we should do whatever we can to support this, including informing people of their legal rights and encouraging them to use them.

Sometimes, in encouraging employers to improve their record, the ‘stick’ is important – but at other times a different approach is required as subtler dynamics are at play. Discrimination is not just black and white, there are shades of grey, and we should attend to these subtler factors and encourage employers to do the same. Disability/adjustment leave could provide a framework to encourage good practice by employers. If this is enshrined in law it will be easier to do this.

The Purple Workforce report and Round Table event allowed a more strategic discussion about tackling the problem of empowering people with disabilities in the workplace. We are encouraged that the development of contact between organisations working in the sector will allow these problems to be addressed more fully and multi-dimensionally.

While the information in the report was not a shock to those working in this area, the opportunity to reflect, share different perspectives and to consider new actions and priorities is a meaningful addition to our work in the field.
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  About disability
- SIA
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- RNIB
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“THE PURPLE WORKFORCE - A report by Leigh Day into the experience of disabled people in the workforce” - is a paper published by law firm Leigh Day in November 2014. The Round Table conference was held in February 2015.