

75TH ANNIVERSARY

DISABILITY IN THE WORKPLACE

DISCUSSION PAPER



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Looking to the future

As CMI looks back at our impact over the past 75 years, and how the role and values of professional leaders and managers have changed, we want to understand what is next for workplace leadership.

We find ourselves at a crossroads. Over the past two years, issues of fairness, inclusion and equity have been brought to the fore by national events. Looking forwards, economic recovery and the government’s desire to level up will shape UK workplaces.

Using the following five themes, we want to understand the barriers that remain to create fair, inclusive workplaces, and the practical steps leaders are taking for positive action:



Ethnicity



Socio-Economic Background



Gender



Disability



Age

Through polls around each of these core themes, and our members’ experiences and insight from high profile leaders, we will share the practical actions which managers are using today to drive change. At the end of 2022, these findings will feed into a major piece of thought leadership and practical resources to help you create a level playing field for all your employees.

As we complete each of the polls we will share the outcomes with our community for your further consideration and comment.

Please find the first of our findings on Disability in the workplace. If you wish to comment on the content of this discussion paper please use 75@managers.org.uk



Disability prevalence for those of working age is increasing

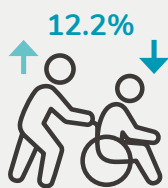
Figures show that the percentage of people who reported a disability increased from 19% since 2009/10 to 22% in 2019/20.¹ Whilst disability prevalence for those of working age has been increasing since 2013.² However, it is also important to realise that, at work, employees might avoid or delay sharing information about their impairment or condition. One survey, for example, found that nearly half of disabled people (48%) were worried about telling employers about their impairment or condition in case it limited their opportunities.³ This can mean that disability is under-reported in the workplace.

Disabled people face clear barriers when it comes to employment, pay and progression at work

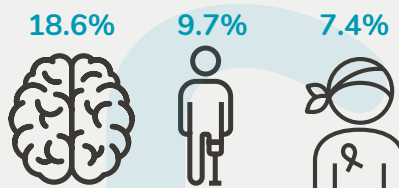
Despite some progress being made, ONS figures show a clear gap in employment between disabled and non-disabled people: the disability employment gap has reduced between 2013 and 2019⁴ but between July to September 2021 around half of disabled people aged 16 to 64 years (53.5%) were in employment compared with around 8 in 10 (81.6%) non-disabled people.⁵

- Disabled people with severe or specific learning difficulties, autism and mental illness had the lowest employment rates.
- Disabled people in employment were less likely to work as managers, directors and senior officials or in professional occupations than non-disabled people.
- Disabled people also continue to face a higher risk of being long-term unemployed which can reduce employability as it impacts on skills and knowledge.⁶

When in employment, research has also shown a clear pay gap between disabled and non-disabled employees. Figures from ONS show that:⁷



Median pay was consistently higher for non-disabled employees than for disabled employees. In 2018 there was a pay gap of 12.2%.



Disabled employees with a mental impairment had the largest pay gap at 18.6%. Those with a physical impairment had a pay gap of 9.7% and those with other impairments had a pay gap of 7.4%.



When looking at occupations, the widest pay gap of 13.1% was seen for managers, directors and senior officials.

¹ DWP (2021), Family Resources Survey: financial year 2019 to 2020

² DWP and DHSC (2020), The Employment of Disabled People

³ Scope (2017), Let's Talk

⁴ ONS (2019), Disability and Employment, UK: 2019

⁵ ONS (2022), Outcomes for Disabled People in the UK: 2021

⁶ L&W (2021), Disability Employment: from pandemic to recovery. Note: L&W state that data on employment levels needs to be treated with caution.

⁷ ONS (2019), Disability Pay Gaps in the UK: 2018

Poor workplace cultures are a key barrier to disabled people achieving their full potential at work

Poor workplace culture has been a recurring theme across all the characteristics that CMI has explored through the 75th project to date⁸ but research shows this barrier is particularly stark for disabled people. For example, one survey has shown that 42% of employers were discouraged from hiring disabled job applicants due to concerns around supporting them properly during the pandemic, whilst 1 in 5 (20%) said they would be less likely to hire someone if they were disabled.⁹



There is also evidence that when in work disabled people are having to deal with unacceptable workplace cultures. A survey from TUC has shown:¹⁰

- One in three (30%) disabled workers say that they have been treated unfairly at work during the pandemic.
- One in thirteen (8%) said they were subjected to bullying and/or harassment, being ignored or excluded, singled out for criticism or being monitored excessively at work.
- One in eight (12%) said they were concerned their disability had affected their chances of a promotion in the future.

Poor attitudes towards reasonable adjustments and a lack of understanding from employers can limit the opportunities available to disabled people, despite the fact that many reasonable adjustments are simple and low-cost to implement. For example, one poll has shown that 66% of employers say the costs of workplace adjustments are a barrier to employing a disabled person.¹¹

CMI's survey¹² found that 81% of respondents agree that their organisation is inclusive of all employees, regardless of disability. This is a lot lower than for other polls where we found much closer to 90% except for socio-economic background.¹³ However, as with our other surveys, there remains a gap between statements and intentions around inclusivity, and their practical application:

81%



- Only 34% of respondents said their organisation had at least one disability initiative.¹⁴
- When asked whether their organisation's culture is inclusive enough for employees to report inappropriate behaviour; such as bullying on the grounds of disability, over 2 in 10 (24%) disabled respondents disagreed, compared to 1 in 10 (9%) non-disabled respondents.

Culture change is not a quick fix and the data above suggests there is a particularly long way to go. It's essential that managers and leaders take more proactive and deliberate steps to encourage real change.

⁸ At the time of writing this includes: i) ethnicity, ii) socio-economic background, iii) sex, gender and sexual orientation and iv) disability

⁹ Leonard Cheshire (2020), Disabled People Plunged into Crisis by Covid Employment Landscape

¹⁰ TUC (2021), Nearly One in Three Disabled Workers Surveyed Treated Unfairly at Work During the Pandemic

¹¹ Leonard Cheshire (2019), Re-imagining the Workplace: disability and inclusive employment

¹² CMI, 75th Anniversary Disability poll of 1,037 UK based respondents, conducted between 11th and 25th February 2022

¹³ i) 93% of respondents agree that their organisation is inclusive of all employees, regardless of sexual orientation, ii) 91%...regardless of gender, iii) 89%...regardless of gender identity, iv) 88%...regardless of ethnicity, v) 83%...regardless of socio-economic background

¹⁴ Initiatives covered in the survey included: i) a clear strategy and plan to improve the proportion of disabled people in the workforce, ii) publishing a disability workforce report, iii) publishing a disability pay gap report

Neurodiversity is an emerging diversity and inclusion topic and research on this is limited. But the evidence we do have suggests neurodivergent employees face significant barriers.

Neurodivergent employees can bring many business benefits to organisations. For example, an employee with ADHD might have the ability to focus for extended periods, multi task and be calm under pressure.¹⁵ Whilst autistic people can bring strengths such as analytical thinking, focus and attention to detail.¹⁶

Despite these strengths, people who are neurodivergent face barriers entering employment. Research has shown:¹⁷

- Half of managers (50%) said they would be uncomfortable hiring a neurodivergent individual.
- The highest level of bias was against employees with Tourette's syndrome and ADHD. One in three respondents (32%) said they would be uncomfortable employing or managing someone with either of those conditions.
- Neurodiversity is not given enough attention in organisations' diversity and inclusion policies. Only 27% said they were certain that appropriate references were included.

Public policy

In July 2021 the government published its National Disability Strategy setting out the actions that it intends to take to "improve the everyday lives of all disabled people". In the area of employment announcements included:¹⁸

- Creating an Access to Work Adjustments Passport to support disabled people with their transition into employment. This would provide an overview for employers of the support available that is not covered by employers' responsibility to make reasonable adjustments. The aim of the Adjustments Passport is to help build employer understanding of disability and adjustments and to provide disabled people with smooth transitions between job roles.
- Disseminating best practice to employers so that they have information and advice to support disabled people in the workplace, with a particular focus on SMEs.
- A **consultation** on introducing disability workforce reporting for large employers (250+ employees). This could include a requirement to collect and publish information on the proportion of disabled people in an organisation to help improve transparency.

However, in January 2022 the Strategy was declared unlawful due to inadequate consultation with disabled people. It remains to be seen what implications this will have for equality, diversity and inclusion in the workplace.¹⁹

¹⁵ Forbes article cited in CIPD (2018), Neurodiversity at Work

¹⁶ CIPD (2018), Neurodiversity at Work

¹⁷ Institute of Leadership and Management cited in People Management (2020), Half of Managers Uncomfortable Employing a Neurodivergent Worker

¹⁸ HM Government (2021), National Disability Strategy

¹⁹ Disability Rights UK (2022), National Disability Strategy Declared Unlawful



Some of the Solutions

Do we need a new definition of disability?

When someone meets the definition of disability under the Equality Act 2010 employers have a duty to make reasonable adjustments to elements of a job that place a disabled person at a disadvantage. The current definition of disability is contested, however. For example, Mind has argued that it is unclear whether a mental health problem is “substantial” enough to be considered a disability and the definition does not sufficiently consider conditions which can fluctuate or be episodic. They have argued that the requirement for a condition to be “long-term” to be considered a disability should be removed.²⁰

Furthermore, the social model of disability may be more relevant and useful - especially for employers wanting to deliver inclusive working environments. This definition was developed as a challenge to prevailing medical models of disability that viewed disability as an individual medical problem that needed to be cured or prevented.²¹

It recognises that people are disabled by barriers in society, not by their impairment or difference. For example, key barriers from a social model perspective include attitudinal barriers (e.g. discrimination), physical barriers (e.g. broken lifts or stairs) and information/communication barriers (e.g. a lack of information in different accessible formats) that can and should be addressed in order to level the playing field. Limitations in the medical definition of disability can result in individuals missing out on the workplace support that they need to achieve their full potential.

Transparency can help uncover and address problems that exist within organisations and public policy has a role to play in improving this.

The Government has developed a **voluntary framework** for employers that provides guidance on how to report on disability, mental health and well-being in the workplace but awareness and usage of this is low. A CIPD survey of HR professionals found:²²

- Only 21% of respondents were aware of the framework.
- Of these, 37% had adopted at least part of the framework and a further 35% were working towards adopting it.
- Over a quarter (28%) said their organisation had no plans to adopt it, with this rising to 54% of SMEs.
- This is despite the fact that many respondents agreed that there is a clear moral and business case for reporting disability, mental health and well-being data.



²⁰ Mind cited in [Work and Pensions Committee](#) (2021), Disability Employment Gap

²¹ [Scope](#) (n.d.), Social Model of Disability

[Inclusion London](#) (2022), The Social Model of Disability

²² [CIPD](#) (2021), Health and Well-being at Work

There is a role for public policy to play in driving forward transparency in organisations. The Centre for Social Justice (CSJ) Disability Commission has argued²³ that the government should require employers with 250+ employees to report the proportion of disabled people in their workforce and on their disability pay gaps, in order to understand whether disabled people cluster into lower level jobs and pay grades.²⁴ Some have expressed concerns, however, that disability pay gap reporting may give a misleading impression of employers who have made progress in recruiting more disabled people but where those employees are in junior roles.²⁵

The first step to tackling a problem is to acknowledge there is a problem in the first place. This requires good data, and action plans towards making progress. And - as is the case across the other characteristics we have explored in our research to-date - our survey²⁶ finds this practice is still not as widespread as it needs to be:



We found that just under two thirds of respondents (61%) said their organisation collects data on disability in its workforce. However, 39% said either their organisation does not collect data on disability in its workforce or they did not know if their organisation collects this data.



Even with those that did report their organisation collected data, a large proportion of respondents (between 1 to 3 out of 5 respondents) did not know **what** disability data their organisation collected²⁷ and 20% did not know **why** their organisation was collecting data.

The most inclusive employers go beyond improving transparency and take action to support employees and improve workplace culture.

Examples of positive organisation-level actions include:²⁸

- Stating how the organisation takes a positive and inclusive approach towards disability in job adverts.
- Guaranteed interviews for disabled candidates who meet a minimum set of criteria. Some organisations already do this, such as **London City Hall**.
- Making it easy to implement a wide range of reasonable adjustments. These might be physical adjustments such as a ramp or chair or changes in the way someone works, such as providing flexibility of hours or location.
- Setting up a disability staff network so employees can share views and raise issues with senior management.
- Offering mentoring schemes to develop careers.
- Utilising disability 'passports' which can enable employees to clearly outline the support they need in the workplace. This can be particularly useful when an individual is working under a new line manager or changing employer. **Examples** of disability or health passports already exist.

²³ CSJ (2021), Now is the Time: a report by the CSJ Disability Commission

²⁴ Evidence cited in **Work and Pensions Committee** (2021), Disability Employment Gap

²⁵ **Work and Pensions Committee** (2021), Disability Employment Gap

²⁶ CMI, 75th Anniversary Disability poll of 1,037 UK based respondents, conducted between 11th and 25th February 2022

²⁷ The following proportions of respondents did not know if their organisation collected i) the number of disabled employees (20%), ii) the number of new hires that have a disability (29%), iii) the number of employees requesting reasonable adjustments (31%), iv) the number of disabled employees working at different levels in the organisation (41%), v) the types of disability that individuals have (43%), vi) the number of disabled employees on career progression schemes (59%).

²⁸ CMI (2021), Supporting Disabled Colleagues in the Workplace



There are also specific management behaviours that are important to build an inclusive and supportive workplace. For example:

- Clear communication of tasks and consider alternative formats for communicating instructions such as mind maps to help prioritise work.²⁹
- Providing structured feedback. A regular pattern of feedback, including opportunities for an employee to give feedback, creates opportunities to review progress and assist where needed.³⁰
- Taking active steps to ensure that remote workers feel included by, for example, providing regular check-ins and being responsive to feedback. This is particularly important while working remotely or in a hybrid way to ensure disabled workers do not miss out on valuable opportunities.³¹
- Taking a universal approach to reasonable adjustments. For example, rather than asking a specific individual “are you disabled, do you require additional support?”, ask all members of your team “what do you need to achieve your best work?”.

What role can public policy play to encourage actions beyond transparency?

Workforce reporting

If an organisation reports on the proportion of disabled people in their workforce and on disability pay gaps, does this go far enough? At CMI we believe that the government should require any employers covered by reporting requirements to also publish action plans. But what actions should employers be required to include? Should these all include foundational measures such as setting time-bound targets to increase representation or is this too prescriptive?



Reasonable adjustments

It has been argued that the Equality Act has “no teeth” and that the law on reasonable adjustments is not always well enforced, with some examples of employers not implementing simple adjustments.³² Should the government go further by introducing more severe punishments, such as “naming and shaming” employers who persistently breach the law?³³

Disability Confident

The Disability Confident scheme was introduced in 2013 and aims to get more disabled people into employment, to reduce the disability employment gap and to support employers to make the most of the talents of disabled people. The scheme has three levels that employers can progress through and employers can sign up to it voluntarily.³⁴ However, the scheme has been criticised for not going far enough. It has been argued that there is a lack of auditing to ensure that employers are actually meeting the requirements expected of them by the scheme. Furthermore, a lack of external accreditation means that employers may use it to improve their brand image and fail to back this up with substantive changes to their policies and practices.³⁵

²⁹ CIPD (2018), Neurodiversity at Work

³⁰ CIPD (2018), Neurodiversity at Work

³¹ See for example CMI & The Work Foundation (2021), Making Hybrid Inclusive

³² Evidence cited in Work and Pensions Committee (2021), Disability Employment Gap

³³ Work and Pensions Committee (2021), Disability Employment Gap

³⁴ HM Government (n.d.), Disability Confident

House of Commons Library (2018), Disability Confident Scheme

³⁵ CSJ (2021), Now is the Time: a report by the CSJ Disability Commission

Concluding Thoughts

In this paper we have explored some of the key challenges to inclusion in the workplace around disability and neurodiversity. In particular, there are clear gaps in employment, pay and progression for disabled people and a lack of understanding from employers when it comes to reasonable adjustments. Poor workplace culture is a recurring theme across the topics we have explored so far for CMI's 75th Anniversary project, suggesting that more proactive and deliberate actions are required to build truly diverse and inclusive workplaces. There are also some key challenges for government around how it defines disability and how it can facilitate good practice from employers.

A note on terminology

We recognise the current legal definition of disability is contested. In particular we recognise there is a debate around terminology and whether to use “disabled people” or “people with a disability”. We have received feedback for and against both terms. In this discussion paper we have decided to use “disabled people”.



Disability and reasonable adjustments

Under the Equality Act 2010 an individual is considered to have a disability if they have a physical or mental impairment that has a “substantial” and “long-term” negative effect on their ability to do normal daily activities.³⁶ “Substantial” means it takes much longer than usual to complete a daily task. Whilst “long-term” means 12 months or more.³⁷

Where someone meets the definition of disability, employers are required to make reasonable adjustments to any elements of a job that place a disabled person at a substantial disadvantage compared to a non-disabled person.³⁸ Adjustments may include physical changes such as providing a ramp, or changes to the way someone works, such as working flexible hours.³⁹

Neurodiversity

Neurodiversity can be defined as the variation in human brain functioning and behaviour. It is also being used to describe an emerging sub-category of workplace diversity and inclusion focusing on people who are neurodivergent. Neurodivergent describes people who do not think like the majority (referred to as neurotypical), although it should be realised that definitions of neurodiversity are contentious and not uniform. Examples of neurodivergent conditions can include, but are not limited to, dyslexia, dyspraxia, autism and attention deficit hyperactivity disorder (ADHD).⁴⁰

Although data is limited, it has been estimated that around 1 in 7 people are neurodivergent.⁴¹

Employers should be aware that an individual's neurodivergence might be regarded as a disability under the Equality Act and they should therefore consider reasonable adjustments where appropriate.⁴² However, it should also be realised that whether a neurodivergent condition is regarded as a disability might be contested.⁴³

There is more room for progress - what have we missed?

Share your views by visiting www.managers.org.uk/campaigns/75th-anniversary/

³⁶ Gov.uk (n.d.), Definition of Disability Under the Equality Act 2010

³⁷ Ibid.

³⁸ GEO (n.d.), Equality Act 2010: duty on employers to make reasonable adjustments for their staff

³⁹ EHRC (2019), Reasonable Adjustments in Practice

⁴⁰ CIPD (2018), Neurodiversity at Work

Also see Government Communication Service (2021): Why I'm Not Just a Little Bit Autistic: the wonders of neurodiversity

⁴¹ ACAS cited in The National Archives (n.d.), Neurodiversity in the Workplace

⁴² CIPD (2018), Neurodiversity at Work

⁴³ For example see LSE blog (2022): 'When Speaking of Disability, Let People Define Themselves'



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