

PERSONS WITH DISABILITIES,
THE LABOUR MOVEMENT
&
LABOUR DISPUTES

We all know people with disabilities. It could be you, a family member, friends, colleagues, or someone we interact with at work or socially. Disabilities can be visible or invisible. The definition of persons with disabilities covers a wide range of physical and/or psychological conditions.

According to the Ontarians with Disabilities Act (ODA) Committee, more than 1.5 million people in this province face a broad range of systemic barriers in their daily lives.

For the labour movement, the struggle by persons with disabilities is part of the whole ongoing struggle for equality by/for all Ontarians. Equality, and the struggle for equality, has always been a guiding principle of the Ontario labour movement. This conviction has been pursued through education and actions in the workplace, in the community and at the ballot box. In the pursuit of equality sometimes the labour movement has been alone, and, in better times, like-minded individuals and organizations have joined labour.

As labour activists we must be mindful that not everyone in Ontario shares our level of understanding of what it takes to bring about positive social change. In organized labour we have a long tradition of fighting for social justice issues. The struggle to implement labour policies in the legislature, in the workplace and in society as a whole gives labour the experience and practical tactics to bring about change.

It is from this perspective that this document will discuss the relationship of persons with disabilities, the labour movement and labour disputes.

Union Structure and Operation

Some of our members may self-identify as part of a broad category of “persons with disabilities.” It is also important that these members also self-identify as part of the broad category of “union member.” This decision is based on the perceptions and experiences of how they are treated as members and how their concerns are treated by their union.

A union should pro-actively seek to involve all members. If not, the union may still function but has a diminishing capacity to build and sustain support among members who may see little reason to support it. An open and inclusive approach by the union will build and strengthen support from members who realize that their involvement is encouraged, and that this involvement strengthens their union and increases the likelihood of a positive outcome in resolving the issues of concern to them. An open and inclusive labour movement, drawing on the strength and support of its members, is a more effective organization and a powerful vehicle for positive social change.

Building on experience with other equity groups, union members with disabilities should reasonably expect from their union and the wider labour movement such policies as:

Harassment and anti-discrimination policies which are known to the membership and are used to address the concerns of members with disabilities.

Labour organized/sponsored activities being accessible to all members (venues, formats for materials and support services).

Committees or other forums which allow members to advise elected officials about issues of concern, supporting members with disabilities and developing internal education and external involvement to resolve such issues.

Political support and resources to be used inside their union to build

understanding and support for issues of concern among the wider membership.

Constitutional provisions to allow members with disabilities to elect/select their representatives to governing bodies at all levels of their union.

Political support and resources to enable members with disabilities to be elected as delegates to their own union, broader labour movement or other conventions.

Affirmative action programs for designated groups and equitable employment practices within the union.

Collective Bargaining

We believe that all workers have the right to organize themselves and to bargain collectively to address all issues which impact on them in the workplace. The collective bargaining process provides the means for workers, through negotiations with their employer, to have a collective say on the nature and conditions of their work environment. Historically, collective bargaining has brought about needed improvements for workers directly involved in this process and through them to their families and their communities. Over time such improvements inspire other workers to seek advances through collective bargaining, changing societal attitudes and positive legislative reform.

Like other union members, members with disabilities should understand and be actively involved in developing and supporting their union's collective bargaining strategy. Members with disabilities should reasonably expect:

Union policies and resources to educate and to use the collective bargaining process and the grievance procedure as tools to prevent discrimination against members with disabilities in the workplace.

Political support and internal education to ensure that the wider membership understands and supports initiatives to address issues of concern through the bargaining process.

In this process, all union members should understand that sometimes an employer strategy (through action or inaction) is to provoke a dispute -- not seek a settlement. A component of this strategy often seeks to create/manipulate "public opinion/concern" as a means of attacking the union in the hopes that union members will capitulate and accept the employer's offer. It is in these circumstances that the wider community may be drawn into the collective bargaining process.

In the Wider Community

The Ontario labour movement has a long history of social unionism. This means that issues of concern to our members must be dealt with not only in the workplace, but also in the wider community. We also have a history of working with like-minded individuals and organizations on issues of mutual concern, among these are persons with disabilities and their organizations. Within the broad category of persons with disabilities there are such distinct groups as: the individuals with disabilities, their families and friends, groupings of persons with disabilities, groupings of organizations which service the needs of persons with disabilities and committees/advisory groups whose purpose is to provide guidance to and sometimes legitimacy for a government's agenda.

Our commitment to social unionism dictates that we should have ongoing relationships with many groups in our communities who are also concerned

with societal issues. Relationships cannot be built overnight. They must be nurtured over time through ongoing information exchange and discussion. Building these relationships must be part of our collective bargaining strategy. If this is done, then groups in the wider community will have a greater understanding of the issues at hand, know and be supportive of the workers and their organizations, and be less likely to be manipulated by employers and their allies.

In order to develop and strengthen these relationships, unions should involve their members with disabilities (many of whom are already active in community organizations). A useful first step is identifying individuals and organizations within the disabilities' communities and understanding the nature of their relationship with the union/wider labour movement. The nature of the issues and possible strategies developed will influence which groups within the disabilities' communities may wish to be involved. Some groups may develop an ongoing relationship with the labour movement while other groups may have a more issue-by-issue relationship.

Opportunities and forums to discuss and act on issues already exist and should be used:

Representatives from disabilities' organizations should be invited to our meetings/events to share their perspectives. Reciprocal invitations should be encouraged and accepted.

Working together to ensure support and funding for needed programs

and services in the community through such existing forums as the local United Way.

Working together to ensure that public institutions such as government offices, education and health care provide needed and accessible services to everyone in the community.

Working together to ensure the preservation and enhancement of quality public sector services and employment in the community.

Labour Disputes

When a union is on strike, or involved in a dispute with its employer, it is important to decide on accommodations for members with disabilities. Accommodations ensure that members with disabilities are involved in any strategies or procedures designed to actively involve members with their union during the labour dispute. For example:

All labour organized/sponsored activities related to the dispute must be accessible to all members with disabilities (venues, and alternative formats for materials, support services).

“Walking a picket line” is the traditional way that a member may be supportive of his/her union. However, some members with disabilities may not be able to “walk the line” so they and their union should explore alternatives for support and involvement. For example, they can work in the strike headquarters or volunteer to do other tasks such as phoning which can be done from their homes.

Members with disabilities and their families may have concerns regarding the impact of a labour dispute on needed services provided through contract benefit coverage. It should be clearly understood by these members how (case by case or across the board) and where

(union local or central office) such questions are addressed and resolved.

Part of the employer's strategy in provoking a labour dispute is to create/manipulate "public opinion/concern" and use this to undermine support for the union's position in the wider community.

Part of the union's strategy must be to build understanding and support within the wider disabilities' communities. This should happen at the very beginning of the collective bargaining process and not at the beginning of a labour dispute. To be successful this should build on an already-established credibility and existing relationships within these communities.

The union's strategy should include these considerations:

Allies in the disabilities' communities should be kept aware of developments through formal (regular information updates) and informal (personal contacts) means. They should be encouraged to share their perspective both within the disabilities' communities and the wider community.

Interested parties in the broader disabilities' community may not have a clear understanding of the employer's role in provoking the dispute (who makes decisions, when, where and why). There may also be a lack of understanding of past actions by the same employer. This can be addressed through discussions between the union(s) and these interested parties. Such discussions can turn these interested parties into allies.

Interested parties in the disabilities' communities may be made aware of anticipated employer's actions and the employer's rationale for such actions. For example, in a labour dispute in the education sector, the local board of education will often make the political decision to close the school(s), suspend bus service for students, cite "safety

concerns" and publicly blame the union(s) for this situation. By understanding that an action is likely to happen, the impact of that action may be minimized. When the action happens, interested groups will realize that the union(s) are being honest with them. This can result in some groups in the disabilities' communities wishing to publicly challenge the employer's actions.

Certain activities may continue during a labour dispute but this is not perceived by the workers/their union(s) directly involved in the dispute as undermining their collective bargaining position. For example, in Toronto, Amalgamated Transit Union members provide both Toronto Transit Commission (regular transit) and Wheels Trans (specialized door-to-door) services. In a labour dispute, the union provides drivers (union members who volunteer) to provide "critical service" such as for dialysis appointments. A driver picks up the rider, takes her/him to her/his appointment, leaves and another driver picks her/him up at the end of the appointment to take the rider home.

There may be some level of activities, which the workers/their union(s) may wish to offer during the labour dispute, which do not undermine the collective bargaining position of their union(s). This would depend on the particular circumstances surrounding the labour dispute.

There may be some level of activities which allies and union supporters within the disabilities' communities may wish to offer which do not undermine the workers/their union(s) directly involved in the labour dispute. This would depend on the particular circumstances surrounding the labour dispute and the nature and strength of the relationship between the allies/supporters within the disabilities' communities and the union(s) directly involved in the labour dispute.

As the labour movement continues to build relationships with persons with disabilities and their organizations both in the union, workplace and wider community, both sides will continue to be faced with challenges and opportunities. Based on our history the labour movement is quite prepared and able to rise to these challenges to ensure that it is always open and inclusive to all its members. It will also continue to be a strong voice and advocate for positive social change.

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