

Cyflwynwyd yr ymateb i ymgynghoriad y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol ar Anabledd a Chyflogaeth

This response was submitted to the Equality and Social Justice Committee consultation on Disability and Employment

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Submission to Senedd Cymru Consultation on Disability and Employment

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Required information

Our evidence is submitted in an individual capacity as university professors and founders of Disability@Work and the Disability Employment Charter. We confirm both are over 18 years old, we prefer our names are published alongside our evidence, and the Committee should not treat any of our written evidence as confidential.

In the below, we focus on two areas of the inquiry, the first of which is:

What progress has been made to deliver the recommendations set out in the 'Locked Out' report and to reduce and remove barriers faced by disabled people who want to access Wales's labour market. Why progress to reduce the employment and pay disability gap has been so difficult to achieve.

We contend that little progress has been made in Wales in reducing and removing the barriers faced by disabled people who want to access the labour market, with progress having been difficult to achieve as very few employers have adopted progressive disability employment practices.

To demonstrate this, we conduct a unique analysis (undertaken specifically for this evidence submission) that explores all UK jobs advertised on the Find a Job and Adzuna online job websites available on 9th August 2024. Find a Job is the Department for Work and Pensions' own website that it recommends to benefit claimants seeking work (and is available in the Welsh language). Adzuna gathers job adverts from a wider range of sources including advertisements drawn from employer websites and LinkedIn. It is used by the ONS to develop experimental statistics on job vacancies.

Table 1 reports the proportion of job adverts that include disability recruitment and retention practices (information in accessible formats, guaranteed interviews for qualified disabled jobseekers, reasonable adjustments etc.), and Chi-square tests showing whether job adverts in Wales are more or less likely to include each of these practices than are job adverts in the rest of the UK.

Table 1: Disability recruitment and retention practices in jobs advertised in Wales and the rest of the UK (Find a Job and Adzuna jobsites)

	Find a Job				Adzuna		
	All jobs	Wales	Rest of the UK		All jobs	Wales	Rest of the UK
Number of jobs listed	134,845	5,390	129,455		850,457	25,855	824,602
Recruitment practices							
Alternative formats	419 (0.31%)	1 (0.02%)	418 (0.32%)* **		1,476 (0.17%)	11 (0.04%)	1,465 (0.18%)* **
Large print	264 (0.20%)	0 (0.00%)	264 (0.20%)		452 (0.05%)	6 (0.02%)	446 (0.05%)* **
Braille	188 (0.14%)	1 (0.02%)	187 (0.15%)* **		268 (0.03%)	3 (0.01%)	265 (0.03%)*
Easy read	72 (0.05%)	0 (0.00%)	72 (0.06%)		81 (0.01%)	3 (0.01%)	78 (0.01%)
Reasonable adjustments	4,708 (3.49%)	212 (3.93%)*	4,496 (3.47%)		28,326 (3.33%)	578 (2.24%)	27,748 (3.37%)* **
Guaranteed interview	1,915 (1.42%)	38 (0.71%)	1,877 (1.45%)* **		14,752 (1.74%)	896 (3.47%)* **	13,856 (1.68%)
Access to work	298 (0.22%)	6 (0.11)	292 (0.23%)*		581 (0.07%)	14 (0.05%)	567 (0.07%)
Retention practices							
Enhanced sick pay	447 (0.33%)	12 (0.22%)	435 (0.34%)		2,385 (0.28%)	37 (0.14%)	2,348 (0.29%)* **
Critical illness cover	410 (0.30%)	8 (0.15%)	402 (0.31%)* **		3,802 (0.45%)	68 (0.26%)	3,734 (0.45%)* **
Income protection	388 (0.29%)	9 (0.17%)	379 (0.29%)*		8,782 (1.03%)	129 (0.50%)	8,653 (1.05%)* **
Employee Assistance Programme	10,809 (8.02%)	218 (4.05%)	10,591 (8.18%)* **		61,689 (7.25%)	1,286 (4.97%)	60,403 (7.33%)* **
Healthcare plan	342 (0.25%)	2 (0.04%)	340 (0.26%)* **		3,006 (0.35%)	81 (0.31%)	2,925 (0.36%)* **

Source: Find a Job and Adzuna job listings, collected on 9th August 2024.

Chi² tests comparing advertisements for jobs in Wales and the rest of the UK: *** p<.01 ** p<.05 * p<.10

Information in accessible formats. Table 1 shows that barely any job adverts in Wales refer to the provision of information in alternative formats, large print, easy read, or braille. In Find a Job, out of 5,390 job adverts in Wales just one refers to alternative formats, none refers to large print or braille, and just one refers to easy read. While few job adverts in the rest of the UK offer these formats, they are nevertheless more likely to do so than are job adverts in Wales. Hence, while employer efforts to offer these formats to meet the

requirements of the Equality Act 2010 are limited across all the UK, they are particularly limited in Wales.

Recommendation 1: The Welsh Government should encourage employers in Wales to offer information in job adverts in accessible formats.

Reasonable adjustments. There is weak evidence in Find a Job that job adverts in Wales are more likely than those in the rest of the UK to offer reasonable adjustments, but stronger evidence in Adzuna that they are less likely to do so than are job adverts in the rest of the UK. However, both databases suggest that fewer than 5% of job adverts in Wales offer reasonable adjustments, again questioning employer proactivity in meeting their legislative obligations.

To illustrate this further, Table 2 breaks down the reasonable adjustment figures by Welsh region, demonstrating that in many Welsh regions reasonable adjustments are mentioned in very few job adverts.

Recommendation 2: The Welsh Government should encourage employers in Wales to (a) offer reasonable adjustments, and (b) refer to this in their job adverts

Guaranteed interviews. Find a Job suggests that job adverts are less likely to mention a guaranteed interview for qualified disabled applicants in Wales than in the rest of the UK, though the Adzuna data suggests the opposite. Either way, the proportion of job adverts in Wales that offer a guaranteed interview is extremely low (0.71% on Find a Job and 3.47% on Adzuna).

Table 2 breaks down the guaranteed interview figures by Welsh region, demonstrating that in many Welsh regions guaranteed interviews are mentioned in very few job adverts.

Recommendation 3: The Welsh Government should encourage employers in Wales to (a) offer a guaranteed interview to qualified disabled applicants, and (b) refer to this in their job adverts.

Table 2: Number of job advertisements including reasonable adjustments and guaranteed interviews by region in Wales (Find a Job and Adzuna jobsites)

	Reasonable adjustments		Guaranteed interview	
	Find a Job ^a	Adzuna	Find a Job	Adzuna
Powys		5		126
Gwynedd	52	7		117
Ceredigion	33	8		49
Cardiff County	29	158	15	35
Pembrokeshire	26	9		85
Denbighshire	18	21	2	72
Bridgend County	9	24	3	
Flintshire	9	5		58
Swansea	6	22	1	9
Carmarthenshire	5	24	2	92
Conwy County	5	20	15	77
Caerphilly County	4			3
Monmouthshire	3	14	3	37
Newport	3	43	2	10
Rhondda Cynon Taff	3	19	2	3
Blaenau Gwent	2			43
Merthyr Tydfil County	2	9		
The Vale of Glamorgan	2			
Wrexham	2	5		15
Isle of Anglesey	1			49
Torfaen	1	9		
Neath Port Talbot		5	1	5

^a Totals for each column do not match those in Table 1 because both Find a Job and Adzuna are continually changing as employers post and remove jobs, and not all jobs in Wales specify the region of Wales.

Note: Blanks indicate there are no job adverts in the region with the characteristic, although the online database might classify jobs in the region into one of the other regions.

Access to Work. This is generally considered a good but underused scheme in helping disabled people into employment. However, Access to Work is mentioned in less than 1% of job adverts in Wales. There is weak evidence in Find a Job that job adverts in Wales are less likely to refer to Access to Work than are job adverts in the rest of the UK.

Recommendation 4: The Welsh Government should encourage employers in Wales to (a) engage with Access to Work, and (b) refer to this in their job adverts.

Retention practices. Both Find a Job and/ or Adzuna show that job adverts in Wales are less likely than job adverts in the rest of the UK to offer enhanced sick pay, critical illness cover, income protection, employee assistance programmes, and healthcare plans. Each of these practices might help disabled employees retain their jobs. Therefore, it is concerning that

less than 1% of job adverts in Wales offer enhanced sick pay, critical illness cover, income protection and healthcare plans, and less than 5% offer employee assistance programmes.

Recommendation 5: The Welsh Government should encourage employers in Wales to (a) provide disability retention practices such as enhanced sick pay, critical illness cover, income protection, employee assistance programmes and healthcare plans, and (b) refer to this in their job adverts.

The second area of Senedd Cymru's inquiry on which we focus is: **What further policy measures are needed to support disabled people, young disabled people and employers to increase participation rates and what can be learned from elsewhere?**

Beyond exhorting employers to improve their recruitment and retention practices (as above), the Disability Employment Charter (www.disabilityemploymentcharter.org) outlines ways in which government might encourage employers to do so. As such, our view is that ***the Disability Employment Charter outlines the key policy measures needed to support disabled people, young disabled people and employers to increase disabled people's participation rates.***

Although the policies the Disability Employment Charter outlines are UK-wide, and therefore require action from the UK Government, the Welsh Government can play a critically important role in expressing its support for the Charter, and pressing the UK Government to adopt its proposals.

By way of background, the Disability Employment Charter was launched in 2021 by Disability Rights UK, Disability@Work, Leonard Cheshire, Scope, the DFN Charitable Foundation, the Shaw Trust Foundation, UNISON, and the University of Warwick.

It calls on the government to implement proposals in nine key areas including in relation to: mandatory disability employment and pay gap reporting; reform of Access to Work and Disability Confident; leveraging of government procurement expenditure; enhanced access to reasonable adjustments; improved statutory sick pay; and support for trade union equality representatives and disability champions.

Disability@Work played a lead role in writing the charter, and several of the charter's proposals are underpinned by our research.

The Charter has now been signed by approaching 220 organisations including all the UK's large disability charities (e.g., Mind, National Autistic Society, Mencap, Sense, RNIB, RNID), large corporates (including Adecco, McDonalds, Herbert Smith Freehills, PageGroup, Schrodgers, Publicis Groupe, the Clear Company, the Post Office), and other leading organisations including the Trades Union Congress, the Runnymede Trust, the British Medical Association and the British Paralympic Association. A growing number of local authorities and NHS Trusts have also signed.

The change of UK Government provides new opportunities for the Charter, given the support the Labour Party expressed for it while in opposition. For example, Vicky Foxcroft MP (then Shadow Disability Minister) outlined Labour's commitments to several of its proposals (employment and pay gap reporting, reform of Access to Work, introduction of statutory rights to time off for trade union equality representatives, and improved access to reasonable adjustments) in a speech at a UNISON event on the Charter in December 2023. Baroness Sherlock (Labour Work and Pensions Spokesperson in the Lords) reiterated several of these commitments in a debate in the Lords in May 2024. Also extremely positive is that Sir Stephen Timms MP (Minister of State for Social Security and Disability) has shown his support for the Charter, in particular by hosting the aforementioned December 2023 UNISON event in Parliament.

Also positive is that Labour's general election manifesto included several of the Charter's proposals, including mandatory pay gap reporting, reform of Access to Work, improved employment support, and easier access to reasonable adjustments. However, support from the Welsh Government in pressing the UK Government to also implement the proposals within the Charter that were not mentioned in Labour's election manifesto would be extremely welcome.

Recommendation 6: The Welsh Government should press the Westminster Government to implement all the Disability Employment Charter's proposals.

There are several particular areas of the Disability Employment Charter for which support from **the Welsh Government** would be extremely welcome. The first relates to **disability employment and pay gap reporting**. The UK Government announced in the King's Speech it would include disability pay gap reporting in the draft *Equality (Race and Disability) Bill*. However, the Charter argues that the UK Government also needs to introduce mandatory employment as well as pay gap reporting. This would involve requiring employers with 250+ employees to provide data to government on the percentage of their workforce that is disabled.

There are several reasons why this is important. First, organisations may have very small disability pay gaps, but this should not be viewed positively if they employ only very few disabled people. Second, the pay gap is only relevant to disabled people who are already in employment. The main barrier facing disabled people is the approximately 30 percentage point disability employment gap. Disability employment reporting focuses attention on the need to get more disabled people into work to close this gap. It therefore comprises a key metric by which organisations' disability employment outcomes should be judged.

As well as the approaching 220 signatories to the Disability Employment Charter, several other organisations including the Centre for Social Justice, the Confederation of British Industry, and the Institute of Directors, have publicly expressed their support for disability employment reporting. The Welsh Government has a key role to play in reinforcing this argument, highlighting to the UK Government the importance of including employment as well as pay gap reporting in the draft *Equality (Race and Disability) Bill*.

Recommendation 7: The Welsh Government should press the UK Government to include employment as well as pay gap reporting in the UK Government's draft Equality (Race and Disability) Bill.

A further proposal within the Disability Employment Charter on which the Welsh Government's support would be particularly welcome is regarding ***support for trade union Equality Representatives and Disability Champions.***

Our research highlights the effectiveness of these representatives, showing that more than three-fifths of Equality Representatives impact their employer's disability equality practices positively.¹ Regarding Disability Champions, the majority have impacted positively on employer willingness to conduct disability audits and to amend and improve employer disability equality practices.²

However, our research also shows the impact of these representatives is dependent on them spending at least five hours per week on their role.

As such, the Disability Employment Charter argues that Equality Representatives and Disability Champions should be provided with statutory rights to time off, equivalent to the rights provided to Union Learning Representatives. This would also help trade unions recruit representatives into these roles in larger numbers. Vicky Foxcroft MP outlined Labour's support for these rights in her speech at the UNISON reception on the Charter in December 2023, yet this was not included in Labour's general election manifesto (despite being in its 2019 manifesto). There is a key role for the Welsh Government in pressing the UK Government to introduce these rights.

Recommendation 8: The Welsh Government should remind the UK Government of its prior support for statutory rights to time off for equality representatives and disability champions, and press it to introduce these rights.

A further key proposal within the Disability Employment Charter on which the Welsh Government's support would be extremely welcome is regarding ***public sector procurement.***

Gross spending on public sector procurement was £393 billion in 2022/23 across the UK.³ As outlined in the Disability Employment Charter, this can be leveraged to improve disability employment outcomes by requiring employers bidding for public contracts to compete for these contracts in part on the basis of their disability employment metrics.

This already happens to an extent within PPN06/20, which came into force on January 1st, 2021. This stipulates that social value should be explicitly evaluated in all central government procurement, rather than just being "considered", and also (positively) makes specific mention of disability (disability is the only protected characteristic mentioned).

¹ Bacon, N. & Hoque, K. (2012). The role and impact of trade union equality representatives in Britain. *British Journal of Industrial Relations*, 50(2): 239–239.

² Bacon, N. & Hoque, K. (2015). The influence of trade union Disability Champions on employer disability policy and practice. *Human Resource Management Journal*, 25(2): 233–249.

³ <https://commonslibrary.parliament.uk/research-briefings/cbp-9317/>

However, PPN06/20 has certain shortcomings. For example, while contracting authorities can choose disability employment as one of the social value criteria on which they ask tendering organisations to compete, there is no requirement for contracting authorities to do so. Also, even if contracting authorities include disability employment as one of the social value criteria, PPN 06/20 does not stipulate explicitly that firms should be evaluated based on their disability employment metrics (such as the proportion of their workforce that is disabled).

As such, the Disability Employment Charter argues that the government should: ensure award decisions for all public sector contracts take into account the percentage of disabled people in the workforce of tendering organisations; require government contractors to work towards a minimum threshold regarding the percentage of disabled people in their workforce; and take failure to achieve this threshold into account in future contract award decisions.

Labour expressed its support for the principle of using government procurement to engender social value outcomes in its National Policy Forum document prior to publishing its manifesto. However, it did not then include this in the manifesto itself. There is a key role, therefore, for the Welsh Government in reminding the UK Labour Government of its earlier support for leveraging government procurement expenditure to secure social value outcomes, and in particular to press it to strengthen PPN06/20 as outlined above.

Recommendation 9: The Welsh Government should press the UK Government to leverage government procurement expenditure to address the disability employment gap via a strengthening of PPN06/20.

Another area on which the Welsh Government's support would be extremely welcome concerns ***reform of Disability Confident***. Our understanding is that the UK Government will comprehensively review the scheme imminently, hence this represents an opportunity for the Welsh Government to influence a key area of disability employment policy.

Our recent research⁴ demonstrates that Disability Confident has not improved disabled people's employment outcomes. Drawing on responses from 127,890 UK employees – of whom 5,676 (4.4%) are disabled – we found that, overall, the percentage of the workforce that is disabled is no higher in Disability Confident Level 1 or Level 3 organisations than in non-Disability Confident organisations. The Level 1 finding is concerning given that 75% of Disability Confident organisations are at this level. Workforce disability prevalence is higher in Disability Confident Level 2 organisations than in non-Disability Confident organisations, but the difference is small (4.7% vs. 4.3%) and only holds in the private (and not the public) sector.

We also find that disabled employees in Disability Confident organisations do not report better job discretion, fairness perceptions, job-related mental health or job satisfaction than

⁴ Hoque, K., Bacon, N., & Allen, D. (2024) Do employers' equality certification improve equality outcomes? An assessment of the UK's Two Ticks and Disability Confident schemes. *British Journal of Industrial Relations*, <https://doi.org/10.1111/bjir.12799>

disabled employees in non-Disability Confident organisations (at any Level). Disability gaps in these outcomes are also no smaller in Disability Confident than non-Disability Confident organisations.

In many instances, therefore, Disability Confident certification appears to represent little more than window-dressing that masks ongoing disadvantage.

The UK Government is aware of this research (we have discussed it in depth with DWP officials and presented it at Vicky Foxcroft MP's roundtable on Disability Confident earlier this year).

In seeking to boost the scheme's effectiveness, the Disability Employment Charter argues that Disability Confident certification criteria should be reformed to focus on the achievement of disability employment outcomes rather than the adoption of certain policies and practices (as is the case currently). As such, organisations applying for Levels 2 and 3 should demonstrate (and maintain) adherence to minimum thresholds regarding the percentage of their workforce that is disabled. The Charter also argues that accreditation should be removed from employers that do not move up within 3 years from Level 1 to Levels 2 or 3.

Recommendation 10: The Welsh Government should press the UK Government to adopt the reforms to the Disability Confident scheme outlined in the Disability Employment Charter.