

Institution: Cardiff University
Unit of Assessment: UoA23 Sociology
Title of case study: Policies for Better Treatment for Employees with Disabilities and Long-term Health Problems (Casestudy2)
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>This research into treatment for employees with disabilities provides one of the UK's Equality Performance Indicators and recommendations from it have been incorporated into UK legislation. Hundreds of organisations have used the research to promote better treatment for employees with disabilities; public-sector employers, including government departments, have relied on it to meet their statutory duties and it has helped the UK to fulfil its international treaty and convention obligations in respect of people with disabilities. This research has helped the Equality and Human Rights Commission (EHRC) to fulfil its statutory role to promote equality and human rights.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>The underpinning research established for the first time that employees with disabilities experience more ill-treatment in the workplace and that different disabilities are associated with particular kinds of ill-treatment ranging from unreasonable workloads to injury from physical violence [3.3, 3.5, 3.6]. These findings were established by two separate surveys using face-to-face interviews with representative groups of British employees: the British Workplace Behaviour Survey (BWBS)[3.3] and the second Fair Treatment at Work Survey (FTWS) [3.2]. Qualitative elements of the research confirmed the major causes of the patterns revealed by these surveys, for example the ill-treatment associated with the management of sickness absences amongst those with long-term health problems, and some of their remedies [3.1]. Cardiff staff gathered almost all the qualitative data, were responsible for most questionnaire design and conducted all statistical analyses on the BWBS [3.4, 3.5].</p> <p>Planning for the research began in 2006 and led to an ESRC award in the following year, which included the British Workplace Behaviour Survey (BWBS), the largest representative study of workplace ill-treatment so far conducted anywhere in the world [3.4].</p> <p>Partnerships with colleagues from the Department of Trade and Industry (subsequently the Department of Business, Innovation and Skills), and the research company TNS (subsequently TNS-BMRB) also date from this period. TNS were responsible for the fieldwork on the BWBS and in the following year Fevre was the lead academic in a successful bid with TNS-BMRB to undertake the UK Government's second Fair Treatment at Work Survey (FTWS) for the Department for Business, Innovation and Skills. Fevre and Nichols authored the <i>Fair Treatment at Work</i> Report along with Gillian Prior of TNS and Ian Rutherford of the Department for Business, Innovation and Skills [3.2]. This very well-resourced survey allowed the repetition of some questions asked in the BWBS, using a random rather than quota sample, which increased confidence in the robustness of the earlier results. It also allowed for the collection of more detailed information, for example on different types of disability.</p> <p>By the time analysis of the FTWS was underway, the qualitative phase of the ESRC project was well-advanced. The emerging findings on disability from the BWBS also shaped the data collection strategy in our qualitative research. The case studies we conducted pin-pointed the major causes of the ill-treatment of employees with disabilities and the actions that organisations could take to bring about better treatment. For instance, the research established that conventional solutions to problems of ill-treatment, as codified in dignity at work policies for example, were either ineffective or made things worse [3.1]. Similar conclusions were reached in respect of other common organisational policies including approaches to the management of employees with protected characteristics and the management of sickness absence [3.6]. The remedies identified by the underpinning research centre on the need for organisations to deliver on promises of an individualised approach to relations between employers and employees [3.1]. The active commitment of senior leaders is critical to this process [3].</p> <p>Ralph Fevre was the PI for the BWBS project and the co-investigators were Trevor Jones and Amanda Robinson (all of Cardiff School of Social Sciences) and Duncan Lewis (Glamorgan University until 2010 then Plymouth University). The co-investigator on the FTWS project was Theo Nichols (Distinguished Professor at Cardiff until retirement in 2010, now Emeritus Professor).</p>
<p>3. References to the research (indicative maximum of six references)</p> <p>[3.1] Fevre, R., Lewis, D., Robinson, A. and Jones, T. <i>Trouble At Work</i>, (2012) London: Bloomsbury Academic.</p>

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[3.2] **Fevre, R., Nichols, T., Prior, G.** and Rutherford, I. *Fair Treatment at Work Report: Findings from the 2008 Survey*, Employment Relations Research Series No. 103, London: Department of Business, Innovation and Skills, 244 pages, 2009

[3.3] **Fevre, R., Robinson, A., Jones, T.** and Lewis, D. (2008) *Work Fit For All - Disability, Health And The Experience Of Negative Treatment In The British Workplace*, Insight Report No.1, London: Equality and Human Rights Commission. 2008.

[3.4] **Fevre, R., Robinson, A., Jones, T.** and Lewis, D. (2010) 'Researching workplace bullying: the benefits of taking an integrated approach' *International Journal of Social Research Methodology*, Vol. 13, No. 1, February 71 – 85. doi: 10.1080/13645570802648671

[3.5] **Jones, T. Robinson, A., Fevre, R.** and Lewis, D. 'Workplace Assaults in Britain: Understanding the Influence of Individual and Workplace Characteristics' (2011) *British Journal of Criminology* 51(1): 159-178. doi: 10.1093/bjc/azq064

[3.6] **Fevre, R., Robinson, A., Lewis, D** and **Jones, T.** (2013) 'The Ill-treatment of Disabled Employees in British Workplaces', *Work, Employment and Society*, 27 (2), 296-315. doi: 10.1177/0950017012460311

All documents are available from HEI

Grant details:

ESRC (RES-062-23-312) **Ralph Fevre, Trevor Jones, Duncan Lewis and Amanda Robinson**, Workplace Bullying and Harassment in Britain with Special Reference to Race and Ethnicity, £706,286, 1/4/07 to 31/07/11 (ESRC Contribution: £565,029; also supported by Cardiff University, Acas, the CRE and the Runnymede Trust).

Department for Business, Innovation and Skills: **Ralph Fevre** and **Theo Nichols**, The Fair Treatment Survey 2008, £75,720, 11/1/08 to 30/06/2009.

4. Details of the impact (indicative maximum 750 words)

Shaping the policy and public debates: Direct impact begins with and is complemented by various contributions to wider debates. As part of the process of shaping the policy debate, members of the team have presented our research in numerous policy-making events to audiences at: the Department of Business, Innovation and Skills; the Government Equality Office; Department of Communities and Local Government; the Department of Work and Pensions; the Chartered Institute for Personnel and Development (CIPD); and TUC events (e.g. regional TUC annual conferences) as well as more specialist events such as the session at the 2012 NHS Confederation Annual Conference chaired by Sir Keith Pearson.

In terms of shaping broader public debate, there has been in-depth discussion and evaluation of our findings in the *Voice of Russia*, the *Guardian*, BBC news and, the *Financial Times*, as well as coverage in specialist publications and websites. For example see *Equal Opportunities Review* [May 2008], *Disability Now* [January, 2009; March, 2013], *Edge* [February, 2012] ('the UK's most widely read magazine devoted to leadership and management'), *EN* [November 2011] (entrepreneurs' magazine), *Training Journal* [July, 2013], *The HR Director* [November 2011] and *People Management* [November, 2008; June, 2012].

Shaping UK Policy: The impact of this research on UK policy is best illustrated by its role in allowing the UK to fulfil its international treaty and convention obligations in respect of people with disabilities. Drawing on our research, the team produced the *Work Fit For All* report in 2008, which was published by the Equality and Human Rights Commission, and cited in the EHRC submission under the International Covenant on Economic, Social and Cultural Rights, a multilateral treaty adopted by the United Nations General Assembly [5.1] It is also cited by the EHRC as proof that they are fulfilling their duty to 'work to eliminate prejudice, hatred and hostility' under the UN Convention of the Rights of Persons with Disabilities [5.2]. The EHRC has relied extensively on our research to demonstrate that it is fulfilling its own statutory role in respect of people with disabilities. For example, in January 2009, our research was used by the UK minister for disabled people to defend the EHRC's record on disability rights; while the Minister conceded "that it has taken time for the EHRC to find its feet" he states that "a report on the bullying of disabled people in the workplace is an example of its [i.e. the EHRC's] valuable work" [5.3]. In October 2010, the EHRC published their Triennial Review *How fair is Britain? Equality, Human Rights and Good Relations in 2010*. The chapter on employment made extensive use of the 2009 report on the FTWS [3.2] to highlight the problems faced by disabled workers and the challenges of better

policies on disability discrimination [5.4]

The Fair Treatment at Work Survey has played a broader role underpinning much policy work in this area. In a letter of support the Principal Research Officer, Labour Market Directorate, Department for Business, Innovation and Skills notes that the FTWS has “formed part of the evidence base collated here across most aspects of labour market policy; on issues ranging from work-life balance to workplace dispute resolution. The survey thus contributes to the conventional wisdom on these issues, which forms a fundamental part of the policy development process. For example, the survey has been used as one measure of the scale and nature of workplace conflict feeding into recent changes in relation to dispute resolution, whilst its measures of employee awareness of employment rights have fed into policy development on flexible working.” [5.10]

The FTWS finding that 19 per cent of employees with disabilities experience unfair treatment at work (compared to 13 per cent of those without disabilities) provides one of the UK’s Equality Performance Indicators, used to monitor both the Government’s Independent Living Strategy in England and by a wide range of public bodies – including local authorities (e.g. Islington, The Highlands), NHS Trusts (e.g. Papworth, Derby and Walsall) and the Welsh Government – to measure improvements in the treatment people with disabilities receive [5.5]. The same measure is included in the Equality Measurement Framework developed by the EHRC and the Government Equality Office. It also features widely in the policy-responses of public sector employers to the public-sector equality duty, who make considerable use of other aspects of our research demonstrating the considerable reach of this work amongst public-sector employers, including government departments. For example, our FTWS research has led the Welsh Government to make reducing the bullying of disabled people one of its five equality objectives. In commenting on the evidence base for its 2012 document *Working for Equality in Wales: Equality Objectives and Strategic Equality Plan*, the Welsh Government acknowledged that its research was “structured around the themes used by the Equality and Human Rights Commission (EHRC) in their Triennial reviews ‘How Fair is Britain’ – which drew directly on our work (see above) – and that these “reviews provide a comprehensive picture of the range and type of inequalities experienced by people with protected characteristics...[and that]... Using the EHRC reviews as the basis for our evidence review will allow ongoing comparison of progress on equality issues between Wales and the rest of the UK.” [5.6, p.106].

Perhaps most significantly, recommendations from analysis of the BWBS [found in 3.3] informed the 2010 Equality Act. Our recommendations were drawn on for those sections concerned with Adjustments “where a provision, criterion or practice ... puts a disabled person at a substantial disadvantage” and the Advancement of Equality in the public sector where non-pay discrimination against disabled employees was shown to be a particular problem [5.7, section 20 (p.10)] as well as the public sector equality duty which requires a public authority to have “due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited” [5.7, section 149 (p.96)]. Our recommendations in respect of employer liability for ill-treatment from clients and customers and the general public – “it makes obvious sense to extend the employers’ liability for harassment (by third parties, including clients and customers) to this category of employee” [3.3, p.14] – influenced parts of the Act concerned with ‘third-party harassment’ [5.7, Section 40 (p.23)].

Our research was extensively drawn on in subsequent debates around changes to the Act. For example, in its opposition to the proposed 2012 repeal of employer liability for harassment of employees by third parties, the Disability Charities Consortium makes direct reference to our *Fair treatment at work* report [3.2], noting that “According to a survey by the Department for Business, Innovation and Skills, ‘the disabled and those with a long standing condition were 96 per cent more likely to have employment problems’ and ‘those who were disabled were more than twice as likely to report bullying and harassment’” [5.8].

Shaping employers’ behaviour: In recognition of its role in the legislation, our research – particularly through our two reports on the British Workplace Behaviour Survey: *Work Fit For All* [3.3] and *Insight into Ill-treatment in the Workplace* (Fevre et al 2011, Cardiff: Cardiff School of

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Social Sciences) – has received considerable attention from the providers of advice to employers and employees (such as specialist legal firms) helping employers comply with the law and to promote better treatment for employees with disabilities more generally. Our research is also used by trade unions like Unison to advise members on the best way to negotiate policies which prevent, tackle and deal with harassment and bullying in the workplace [5.9] For example, Unison uses our research: to help reach a working definition of harassment and bullying (p.5); to make the point that disabled employees and employees with long-term illnesses experience disproportionate negative treatment in the workplace (p.8); to emphasise the costs to employers of workplace ill treatment (p.15); and to highlight the need for managers and supervisors to be trained to detect and handle harassment and bullying (p.21).

5. Sources to corroborate the impact (indicative maximum of 10 references)

- [5.1] EHRC Submission on the UK's Fifth Report under the International Covenant on Economic, Social and Cultural Rights, April 2009 pp. 25-6. Supports claim that our research has been drawn on by EHRC to establish the extent of discrimination against disabled people in employment and to argue for anti-discrimination provisions in the equality bill.
- [5.2] <http://www.equalityhumanrights.com/human-rights/our-human-rights-work/international-framework/un-convention-on-the-rights-of-persons-with-disabilities/articles-of-the-convention/> Webpage describing how the EHRC works to address some of the key Articles in the disability Convention. Our report *Work Fit For All* is drawn on in the discussion of Article 16 and Article 27.
- [5.3] Peck, S (2009) 'Holding the line' *Disability Now*, http://archive.disabilitynow.org.uk/search/Z09_01_Ja/holding.shtml Shows how our research was drawn on by minister for disabled people, Jonathan Shaw, as an example of the EHRC's valuable work.
- [5.4] Equality and Human Rights Commission *Triennial Review*, Chapter 11: Employment Includes eleven citations (on pages 444-9) of Fevre et al 2009, showing how our research helps underpin EHRC analysis of extent of discrimination faced by disabled workers.
- [5.5] Office of Disability Issues, Department of Work and Pensions *Equality Indicators Roadmap* item D1 <http://odi.dwp.gov.uk/disability-statistics-and-research/disability-equality-indicators.php>. Supports claim that our research provides one of the UKs Equality Performance Indicators.
- [5.6] Welsh Government (2012) *Working for Equality in Wales: Equality Objectives and Strategic Equality Plan*. This includes the explicit commitment to support disabled people (p.18-19), improvements to the performance management of disabled employees in the Welsh Government (p. 105) and discussion of the evidence base for policy (p.105). Supports claim that our work for EHRC was been used as basis for improved policies on the treatment of disabled employees.
- [5.7] Great Britain. Equality Act 2010. London: Stationery Office; 2010 http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf Cited sections - section 20 (p.10); section 149 (p.96) and section 40 (p.23) – demonstrate the influence of the BWBS analysis
- [5.8] The Disabilities Charities Consortium submission to the Consultation on the Third Party Harassment provisions of the Equality Act. Supports claim that our research was used as the foundation for opposition to the proposed repeal of these provisions
- [5.9] Unison '*Harassment at Work*' updated January 2013. References to our research on pages 4, 5, 8, 15 and 21, supporting claim that our research has been drawn on by unions in advising their members.
- [5.10] Letter of Support from Principal Research Officer, Labour Market Directorate, Department for Business, Innovation and Skills supporting the claim that the research on the FTWS plays important role underpinning a range of public policies in this area.

All references available as PDFs from HEI