

Inclusive Workforce

As part of the move towards for a more inclusive workplace where there is equal employment opportunity, good practice would dictate that there is the promotion of inclusion and equality in the workplace; particularly towards people with disabilities. If this obtains, it means that society generally will benefit from an inclusive environment. This is based on the fact that there is a commitment to equality for all members of the society, irrespective of gender, marital status, ethnic origin, disability, gender identity, age, religion or belief, whether it be in the workplace or in the trade union.

Inasmuch that most national constitutions address the issue of discrimination, the practice of discrimination against workers with a disability has nonetheless continued within the Caribbean region and beyond. Those who are affected are persons who suffer a physical, mental, intellectual or sensory impairment. These persons may be the subject of humiliation and denigration.

The importance attached to the subject of inclusion of workers with disabilities in the workforce was presented in the research done in 2014 by Beverley Beckles and Dionne Sara Hanson for the National Centre for Persons with Disabilities in the twin island state of Trinidad and Tobago. The point was made that: “By the natural law, persons with disabilities have the same rights and entitlements as all persons and this is endorsed by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) (United Nations, 2006), the Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities (Organization of American States (OAS), 1999) and other Conventions. The UNCRPD is the foremost guide in the world for the management of the situation of persons with disabilities at country levels. Article 27 of the UNCRPD states that: “States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps...”

It would seem that specific legislation is required in order to ensure that workers with a disability are not excluded or marginalized from securing employment. In the United Kingdom the Equality Act 2010 was introduced specifically to ensure that the practice of discrimination did not pertain in the Public Service. The act places a duty on the public sector to promote disability equality and eliminate discrimination on the basis of disability.

The United Kingdom's experience is a good practice to be emulated by all countries and in all workplaces. In 2018 a draft Employment (Prevention of Discrimination Bill) was introduced in Barbados. The draft bill in addressing the prevention of discrimination in relation to job creation and recruitment requires that an employer shall not discriminate against a person in the creation of jobs, in the making of arrangements for determining who should be offered employment, in the advertisement of employment, in determining who should be offered employment; or in terms or conditions on which employment is offered.

With respect to discrimination in employment, the draft bill advances that an employer shall not discriminate against an employee in terms or conditions of employment that the employer affords the employee, in the provision of facilities or services related to or connected with employment, by the denial or restriction of access to opportunities for promotion, transfer or training or to any other benefits associated with employment; by disciplinary action or dismissal; or by subject to any other detriment.

The bottom-line is that there must be a commitment to fundamental principles in the employment of persons with disabilities, where there is the promotion of equal opportunity and full participation of persons with disabilities. In this regard, trade unions have a responsibility to support legislation and practices that promote the fundamental principles.