

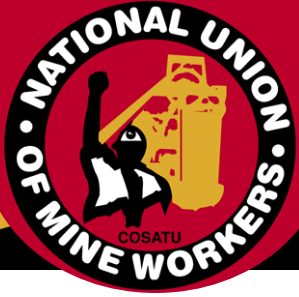
Presentation to 3rd National Diversity Imbizo
24-25 June 2013
Titus Ndlangamandla

Theme : "Excellent service to all stakeholders"

“Justice to all
workers”



Presentation out line



- Introduction.
- The role of trade unions
- How a successful trade union operates
- Role of shop stewards at work.
- Rights and duties : Union's perspective
- Employer – trade union partnership in dealing with disability
- Workers rights and duties within the context of four key disability issues.
- What labour union can do to improve the situation
- Conclusion





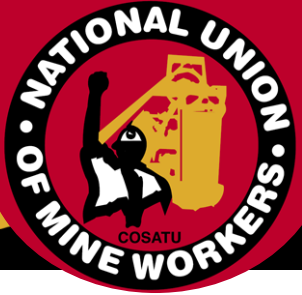
Introduction

● Trade Unions are dynamic non profit making organizations for the workers. It is of vital importance that shop stewards as basic structure of the Trade Unions are equip with the knowledge skills required to defend the vulnerable employees such as people with disability. Presentation therefore seeks to address that noble idea.

● To understand Trade Unions we must understand their role and history.

Trade Union is essentially a body of workers designed to do for its members a combination of things which the persons acting in isolation could not do for themselves.





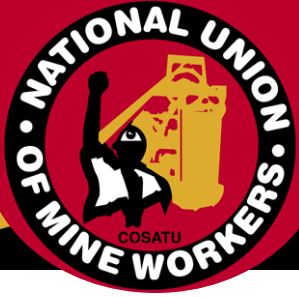
Supporting the underdog



THE ROLE OF TRADE UNIONS

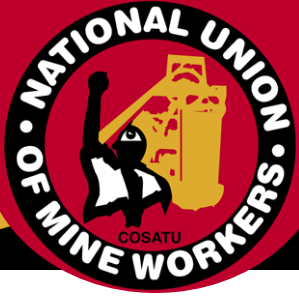


- Trade unions are unique organisations whose role is variously interpreted and understood by different Interest groups in the society.
- Trade Unions serve as mediators between employer and its workforce thus plays a critical role in defending people with disabilities.
- Traditionally trade unions role has been to protect jobs and real earnings, secure better conditions of work and life and fight against exploitation and arbitrariness to ensure fairness and equity in employment contexts.
- Trade unions are moral institutions which will uplift the weak and downtrodden and render them the place, the dignity and justice they deserve.
- Trade Union monitored implementation of agreements, ILO conventions and procedural fairness at all times.



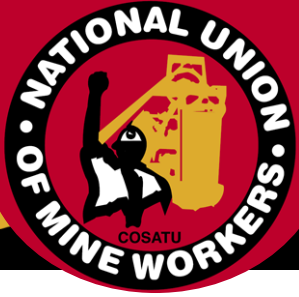
HOW A SUCCESSFUL TRADE UNION OPERATES

- The secret for a success of a Trade Union lies in ability of shop stewards.
- The structure as provided by the Unions constitution should be fully operational and functional, especially dealing with challenges of people with disability.
- The Union leaders from National head quarters to shop stewards level must be united and serve interest of members.



HOW A SUCCESSFUL TRADE UNION OPERATES

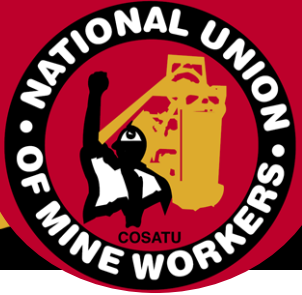
- Regular training for shop stewards and office bearers including staff of the Union on labour matters especially in dealing with disability in the workplace is important in order to address under-representatively of people with disability in the workplace.



THE ROLE OF SHOP STEWARDS AT WORKPLACE

- A shop steward is the voice of voiceless at the workplace, which include people with disabilities.
- Shop stewards maintain and improve labour relations between employer and Union members through industrial relations policy, which must include ensuring implementation of the EEA which deals with all forms of discrimination.





THE ROLE OF SHOP STEWARDS AT WORKPLACE

- **Shop stewards must be political matured i.t.o represent interest of workforce at various Government platforms.**
- **As representative of voiceless workforce shop steward must be knowledgeable about company policies and its provisions as unions we have a challenge in this area that is why there is still lack of implementation in the workplace when it comes to people with disabilities.**
- **Shop steward serve as the educator of employees i.t.o Union operations, company policies and Labour Acts provisions.**



Levelling the playing fields

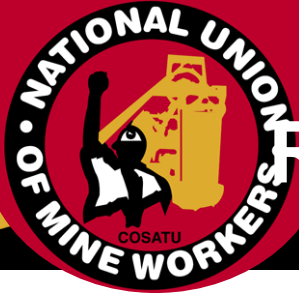
Our Labour Laws promote Collective Bargaining between Employer's and Trade Unions representing employees to level the balance of power in the employment relationship when it comes to negotiating terms and conditions of employment. This includes that all laws are implemented in the workplace.



Employer

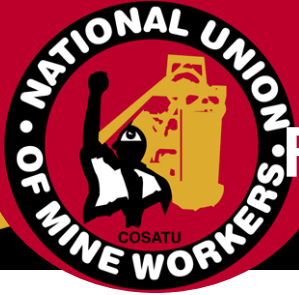


Trade Union



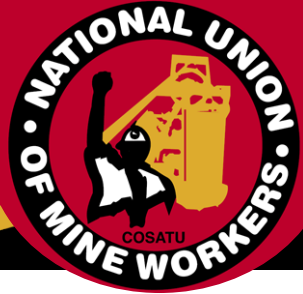
Rights and Duties: union' Perspective

- Historically, people with disabilities have had tremendous barriers to entering the workforce, and those who became injured and disabled on the job have often faced job loss and its negative psychological, social and financial ramifications. Today, people with disabilities are still underrepresented in the workforce, even in countries with the most progressive civil rights and employment promotion legislation, and in spite of international efforts to address their situation..



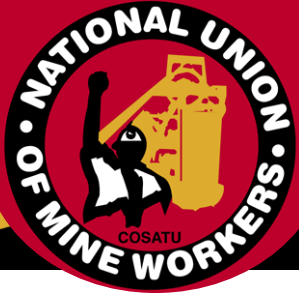
Rights and Duties: union' Perspective cont...

- Awareness has increased of the rights and needs of workers with disabilities and the concept of managing disability in the workplace. Workers' compensation and social insurance programmes that protect income are common in industrialized countries.
- The increased costs related to operating such programmes have provided an economic basis for promoting the employment of people with disabilities and the rehabilitation of injured workers. At the same time, people with disabilities have become organized to demand their rights and integration into all aspects of community life, including the workforce.



Rights and Duties: union' Perspective cont..

- Labour unions have been among those who have supported such efforts. Enlightened companies are recognizing the need to treat workers with disabilities equitably and are learning the importance of maintaining a healthy workplace.
- The concept of managing disability or dealing with disability issues in the workplace has emerged. Organized labour has been partly responsible for this emergence and continues to play an active role, even though they may lack capacity to articulate some pertinent issues that faces people with disability.



Employer-trade union partnership in dealing with disability

- In a healthy work environment, both the employer and the union care about the quality of work, health and safety, and the fair treatment of all workers. Workers are hired on the basis of their abilities.
- Both unions and employers contribute to maintaining health and safety and, when an injury or disability does occur, they have the rights and duties to minimize the impact of the disability on the individual and the workplace.₁₅



Employer-trade union partnership in dealing with disability cont....

- Although unions and employers may have different perspectives, by working in partnership they can effectively achieve goals related to maintaining a healthy, safe and fair workplace.

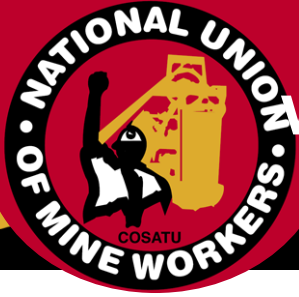




worker rights and duties within the context of four key disability issues

- recruitment and hiring;
- health, safety and the prevention of disability;
- what happens when a worker becomes disabled, including rehabilitation and the return to work after injury;
- and the total integration of the worker into the workplace and the community.





worker rights and duties within the context of four key disability issues cont....

Labour union activities related to these issues include:

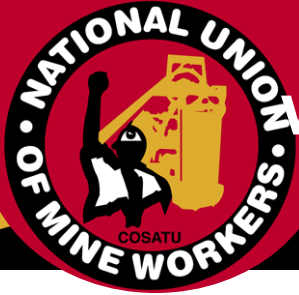
- organizing and advocating for the rights of workers with disabilities through national legislation and other vehicles;
- ensuring and protecting rights by including them in negotiated labour agreements; educating union members and employers on disability issues and rights and responsibilities related to disability management;
- collaborating with management to further the rights and duties related to disability management



worker rights and duties within the context of four key disability issues cont

- providing services to workers with disabilities to assist them in becoming integrated or more integrated into the workforce;
- and, when all else fails, engaging in resolving or litigating disputes, or fighting for legislative changes to protect rights.





worker rights and duties within the context of four key disability issues cont



RIGHTS

- To equal access to job opportunities and to fair treatment in the hiring process
- To complete information about the job
- To an accessible workplace
- To equal access to benefits, conditions of employment and promotional opportunities



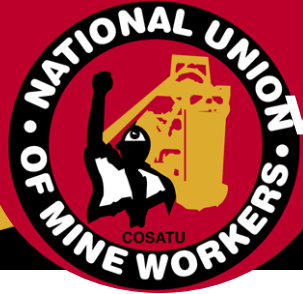
DUTIES

- To provide complete and honest information as it relates to the job
- To request reasonable accommodation or assistance if needed
- To accept the least expensive and intrusive accommodation



worker rights and duties within the context of four key disability issues cont

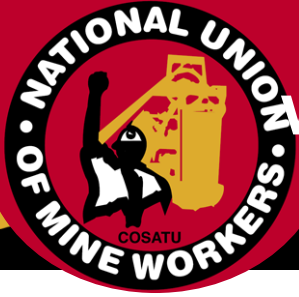
- In the hiring process, applicants should be judged on their abilities and qualifications. They need to have a full understanding of the job to evaluate their interest and ability to do the job.
- Further, once hired, all workers should be judged and evaluated according to their job performance, without bias based on factors not related to the job.
- They should have equal access to employment benefits and opportunities for advancement.



worker rights and duties within the context of four key disability issues cont

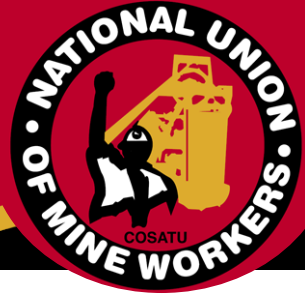
- When necessary, reasonable accommodations should be made so that an individual with a disability can perform the requisite job tasks. Job accommodations can be as simple as raising a workstation, making a chair available or adding a foot pedal.





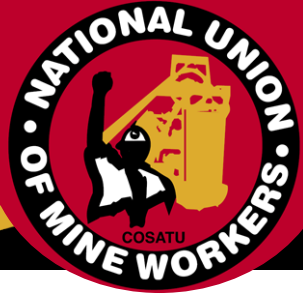
worker rights and duties within the context of four key disability issues cont

- Rights and duties go hand in hand. Workers have a responsibility to notify their employer of a condition that may affect their ability to do the job, or that may affect their safety or that of others. Workers have a duty to represent themselves and their abilities in an honest manner.
- They should request a reasonable accommodation, if necessary, and accept that which is most appropriate for the situation, cost-effective and least intrusive to the workplace while still meeting their needs.



What labour unions can do

- Union leaders typically have deep roots within the communities in which they operate and can be valuable allies in promoting the recruitment, hiring and continued employment of persons with disabilities.
- One of the first things they can do is to develop a policy statement on the employment rights of people with disabilities.



What labour unions can do

- Education of members and a plan of action to support the policy should follow.
- Labour unions can advocate rights for workers with disabilities on a broad scale by promoting, monitoring and supporting relevant legislative initiatives.
- In the workplace they should encourage management to develop policies and actions that remove barriers to employment for disabled workers.
- They can assist in developing appropriate job accommodations and, through negotiated labour agreements, protect and further the rights of disabled workers in all employment practices..



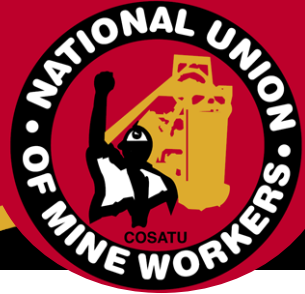
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- Organized labour can initiate programmes or cooperative efforts with employers, government ministries, non-governmental organizations, and companies to develop programmes that will result in increased recruitment and hiring of, and fair practices towards, people with disabilities.



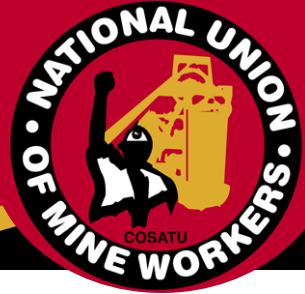
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What labour unions can do

- Representatives can sit on boards and lend their expertise to community-based organizations that work with people with disabilities.
- They can promote awareness among union members, and, in their role as employers, labour unions can set an example of fair and equitable hiring practices.



What labour unions can do

Rights and duties - health and safety



R I G H T S

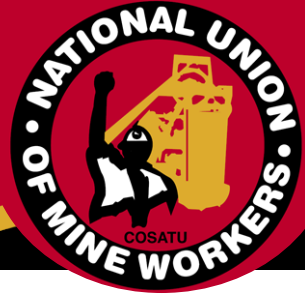
- To a safe and secure workplace where risks are minimized
- To full disclosure about work conditions, risks and hazards
- To information, education, training and special safety equipment that reduces risks and hazards
- To report safety infractions and concerns without fear of reprisal
- To organize worker health and safety committees
- To special safety procedures and considerations that may relate to one's disability in case of emergency



D U T I E S

- To notify an employer or appropriate authority of safety infractions
- To practice safety procedures and use equipment to reduce risks to self and others
- To remain knowledgeable about health and safety laws and practices and advocate for self and others regarding health and safety
- To maintain one's self in utmost health and refrain from jeopardizing self or others unduly because of one's limitations, disabilities or behaviour





What labour unions can do

Rights and duties: support, rehabilitation and compensation



R I G H T S

- To an official, consistent disability management policy
- To prompt and effective medical attention
- To job protection
- To wage replacement while recuperating
- To active involvement and choice in all aspects of medical and vocational rehabilitation
- To prompt and effective rehabilitation services (early intervention)
- To a return to his or her former job, if possible
- To reasonable accommodation, if needed and feasible
- To retraining or reassignment, if necessary
- To long-term compensation or disability retirement, if required

D U T I E S

- To report illness or injury promptly
- To follow an appropriate medical regime to minimize the impact of injury or illness
- To cooperate and work with rehabilitation professionals and employers in good faith regarding return to work
- To notify employers of needs for accommodation
- To accept the least expensive and intrusive accommodations that will result in desired outcomes



What labour unions can do

Rights and duties: inclusion and integration in the community and the workplace



R I G H T S

- To be fully integrated and included in the community and the workplace, including the labour union
- To be treated with dignity and respect
- To community services that make a satisfactory life and work possible, such as education and training, transportation, social services, recreation and personal care
- To special tools and services that may be needed to accommodate a disability on the job or in the community



D U T I E S

- To use the access and services provided to be fully productive
- To advocate, educate and collaborate with legal, service and other systems to meet needs and resolve conflicts



Conclusion

- Unions, at their most basic level, are about people and their needs. Since the earliest days of labour union activity, unions have done more than fight for fair wages and optimal working conditions.
- They have sought to improve the quality of life and to maximize opportunities for all workers, including those with disabilities.
- Although the union perspective emanates from the workplace, the union influence is not limited to enterprises where negotiated labour agreements exist. As many examples in this article demonstrate, labour unions can also affect the larger social environment through a variety of activities and initiatives that are aimed at eliminating discrimination and inequities towards people with disabilities.