



Freeney Williams Ltd.

<http://www.freeneywilliams.com>

The Disability and Equality Agenda e-Bulletin – December 2015

For information about how Freeney Williams Ltd can help your organisation achieve the disability and equality agenda please contact:

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Editor's Note

Well it's that time of year again. . You know the one where we tell you we aren't going to send anyone corporate Christmas cards again and we are going to give the money we saved to a local charity.

The other news from us is that we will be launching the ClickAway Pound survey in January. This project has kept us very busy over the past few months and we will be looking for all of our readers to help us with it.

We will be sending out a special edition of the DEA in early January to give the full details but in essence the idea is to quantify how much businesses lose by not taking into account the accessibility needs of disabled people when designing their websites. Our experience tells us – as does the pilot we conducted last month – the majority of disabled people who struggle with a website just go and find another one they can use!

We think if we can demonstrate the numbers on this we might be able to persuade businesses this is a real issue they should think about as it effects their bottom line. If the law hasn't made them think about this then maybe the bottom line will!

We at Freeney Williams wish all of our readers a great break over the holiday period and thanks for your support this year.

You know where we are if you need us!

Rick

Editor

In this month's edition:

1. [Companies fear employing people with learning disabilities](#)
2. [New professional development network hub for disabled employees](#)
3. [Disabled people less likely to have internet access](#)
4. [Rethink Mental Illness releases moving short film for Schizophrenia Awareness Week](#)
5. [Legal News](#)
 - a) [Disabled or not?](#)
 - b) [Discrimination and time limits](#)
6. [70% of deaf people with hearing dogs have been refused access on the UK high street](#)
7. [Amazon commits to adding captions to over 190,000 movies and TV shows](#)
8. [Disability-smart Award winners announced by Business Disability Forum](#)
9. [Fire fighter's website wins RNIB approval](#)
10. [Two thirds of disabled people feel they are treated differently, figures reveal](#)
11. [Parliament can be proud of it's record on mental health](#)
12. [How to find work if you are disabled](#)
13. [Relaxed performances – "Disabled access is not a work of charity"](#)
14. [Overseas news](#)
 - a) [What's life like in Rio de Janeiro with a disability?](#)
 - b) ['They locked me up and left me': Armenia's outdated mental health laws](#)
 - c) [Canada: Centre for Addiction and Mental Health survey shows over half of workers with depression do not recognize need for treatment](#)
 - d) [USA: Office of Federal Contract Compliance Programs \(OFCCP\) releases disability self-id public service video](#)
 - e) [Mental illness hurts Australia's productivity and services need to be overhauled, Prime Minister Malcolm Turnbull says](#)
 - f) [Australia: The abuse of people with disability is a national shame that we're ignoring](#)
 - g) [Netflix and film studios face lawsuit over song captioning for deaf](#)

1. Companies fear employing people with learning disabilities, survey reveals

Almost a quarter (23%) of employers feel their colleagues would not be happy working with someone with a learning disability. And 45% fear it might be difficult for the public to deal with someone with a learning disability (the figure drops to 30% for employers who have experience hiring people with learning disabilities).

For more go to: <http://gu.com/p/4e3bb>

[Back to top](#)

2. New professional development network hub for disabled employees

PurpleSpace, an innovative online platform that brings together disability network leaders in the workplace to share best practice advice, was launched recently. It is hoped it will drive cultural change on disability in business.

For more go to: <http://ow.ly/T72cy>

[Back to top](#)

3. Disabled people less likely to have internet access

Around 12 million disabled people live in the UK but only two-thirds have internet access.

For more go to: <http://ow.ly/T7378>

[Back to top](#)

4. Rethink Mental Illness releases moving short film for Schizophrenia Awareness Week

For Schizophrenia Awareness Week 2015 Rethink Mental Illness created a powerful short film exploring the stories of four people with schizophrenia.

For more go to: <http://ow.ly/Tae3D>

[Back to top](#)

5. Legal news

a. Disabled or not?

Employers do not need to know the definition of disability under the Equality Act 2010; unless they find themselves defending a disability discrimination claim. In fact, spending time and resources on trying to work out if someone meets the legal definition of disability rather than on whether and what reasonable adjustments can be made, can land an employer before an employment tribunal.

For more go to: <https://www.disabilitystandard.com/newsletter/legal-update/october-2015/>

[Back to top](#)

b. Discrimination and Time Limits

[Thanks to Bruno Gil, pupil barrister of Old Square Chambers for preparing this case summary, via Daniel Barnett, www.danielbarnett.com]

Can an employment tribunal consider complaints of different types of discriminatory conduct when considering whether there is an act extending over a period?

Potentially yes, held the EAT in [Robinson v RSCH](#).

The Claimant, a nurse with a disability, was dismissed following a capability hearing. She brought a claim complaining of various acts of direct disability discrimination, disability related harassment and a failure to make reasonable adjustments. These complaints related to various acts of the Trust in 2011/12 and then her dismissal in 2013.

The employment tribunal, when determining whether there was a continuing act in time, considered each of the causes of action (direct discrimination, harassment and failure to make reasonable adjustments) separately. It held on the facts that the dismissal was not part of a continuing act and that the

claims were accordingly out of time.

The Claimant's primary case on appeal was that the employment tribunal had erred in considering each complaint separately when determining whether there was a continuing act of discrimination. On the facts, the EAT held that the employment tribunal was entitled to form the view that there was no link between the earlier acts and the decision to dismiss, so that the point was academic.

The EAT went on to state (*obiter*), however, that when considering whether a Claimant has made out a prima facie case that the acts of which she complains amount to conduct extending over a period, it might be appropriate to allow complaints of different types of discrimination to be taken together as constituting conduct extending over a period. The example given was where there are complaints of 1) direct discrimination for putting the Claimant on specific, undesirable shifts; and 2) a failure to make reasonable adjustments to put the Claimant on different shifts.

[Back to top](#)

6. 70% of deaf people with hearing dogs have been refused access on the UK high street

A new campaign has been launched to raise awareness among businesses of their obligation, under the Equality Act 2010, to allow disabled people with hearing dogs into their premises.

For more go to: <http://ow.ly/TnCrI>

[Back to top](#)

7. Amazon commits to adding captions to over 190,000 movies and TV shows

Amazon already provides captioning for every video you can stream with Amazon Prime but under a new agreement reached with the National Association of the Deaf, Amazon now says it will go through its back catalog of shows and movies that consumers can rent or purchase outside of Prime to make sure those offer captioning, too.

For more go to: <http://www.theverge.com/2015/10/15/9539725/amazon-video-more-captions-coming>

[Back to top](#)

8. Disability-smart Award winners announced by Business Disability Forum

The winners of the 2015 awards were announced recently at an event hosted by Nationwide in London. The awards are given to companies that demonstrate an outstanding commitment to employing, working with and doing business with disabled people.

For more go to: <http://ow.ly/TZt7g>

[Back to top](#)

9. Fire fighter's website wins RNIB approval

Cheshire Fire and Rescue Service's website has earned an accessibility accreditation from the Royal National Institute of Blind People.

For more go to: <http://ow.ly/U7Vvj>

[Back to top](#)

10. Two thirds of disabled people feel they are treated differently, figures reveal

When the Disability Discrimination Act was introduced 20 years ago, it was the moment those living with disabilities challenged power and prejudice and won, but their victory is far from complete.

For more go to: <http://ow.ly/UerQP>

[Back to top](#)

11. Parliament can be proud of its record on mental health

In Parliament there can, for long periods, be taboo subjects, mental health used to be one of them. A number of colleagues so memorably broke this taboo in the Backbench Business Committee debate on mental health in June 2012.

For more go to: <http://ow.ly/USF08>

[Back to top](#)

12. How to find work if you are disabled

There are over seven million disabled people of working age in the UK. This equates to 18% of the working age population. Businesses cannot recruit effectively if they ignore or fail to attract this potential workforce.

For more go to: <http://ow.ly/UQrF8>

[Back to top](#)

13. Relaxed Performances – “Disabled access is not a work of charity”

In order to be as welcoming as possible to audiences, venues need a deep understanding of their own natures. It is the sincere hope of Shakespeare's Globe to promote positive change through social interaction, and therefore our Relaxed Performances are not solely marketed to people with a shared diagnosis, but rather

equally open to all. Feedback from those who specifically request a relaxed environment and those who do not is overwhelmingly positive.

For more go to: <http://www.ayoungertheatre.com/guest-blog-relaxed-performances/>

[Back to top](#)

14. Overseas news

a. What's life like in Rio de Janeiro with a disability?

With the Paralympics just less than a year away, we wanted to look past all the construction work, behind the Olympic stadiums, to see what it is really like to live here with a disability.

For more go to: <http://www.bbc.co.uk/news/disability-34469395>

[Back to top](#)

b. They locked me up and left me': Armenia's outdated mental health laws

Women recount being forcibly sent to psychiatric hospitals by family members relying on leftover Soviet legislation.

For more go to: <http://www.theguardian.com/world/2015/oct/12/armenia-mental-health-legislation-needs-complete-overhaul>

[Back to top](#)

c. Canada: Centre for Addiction and Mental Health survey shows over half of workers with depression do not recognize need for treatment

As many as 40 per cent of participants were experiencing significant depressive symptoms and, of that group, 52.8 per cent did not recognize a need to seek help. Similar rates have also been observed in population studies in the United States and Australia.

For more go to: <http://ow.ly/TkVpn>

[Back to top](#)

d. USA: Office of Federal Contract Compliance Programs (OFCCP) releases disability self-id public service video

The Agency invites employers and community organizations to download the video and use it as a way to inform employees (and potential employees) about the importance of self-identification.

For more go to: <http://ow.ly/Tzorl>

[Back to top](#)

e. Mental illness hurts Australia's productivity and services need to be overhauled, Prime Minister Malcolm Turnbull says

Mr Turnbull unveiled a new system that he said would give better care to patients. The system would allow more use of technology and a focus on tailored care over a standardised approach, he said. Australia spends around

A\$10b (£4.7b; \$7.3b) each year on mental health services. The new strategy, which will be rolled out over three years from 2016, comes after a review critical of Australia's current mental health system.

For more go to: <http://www.bbc.co.uk/news/world-australia-34929457>

[Back to top](#)

f. Australia: The abuse of people with disability is a national shame that we're ignoring

To paint a clearer picture of how severe and extensive abuse is for people with disability in these settings, we took evidence from across the country through witnesses and more than 150 written submissions. The collective evidence drew a clearer picture of the current situation and the multi-faceted factors that have allowed this level of abuse to go unchecked for so long.

For more go to: <http://www.theguardian.com/commentisfree/2015/nov/26/the-abuse-of-people-with-disability-is-a-national-shame-that-were-ignoring>

[Back to top](#)

g. Netflix and film studios face lawsuit over song captioning for deaf

Studios including Disney, Netflix, Fox, Universal, Warner Bros and Paramount have been hit with a lawsuit accusing the companies of discrimination against the deaf and hearing impaired. The suit alleges that films advertised by the studios with the option of captions or subtitles are incomplete as song lyrics are not included.

For more go to: <http://www.theguardian.com/film/2015/oct/20/netflix-film-studios-lawsuit-song-captioning-deaf-skyfall>

[Back to top](#)

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[Back to top](#)