

**DEPARTMENT OF SOCIAL DEVELOPMENT
KWAZULU NATAL**

**POLICY ON DISABILITY MANAGEMENT
IN THE WORKPLACE**

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1. INTRODUCTION

The public service is for all the citizens of this country. Thus, the needs of the society should constitute the basis for planning, policy-making and the general system and institutions that are accessible to all. However, it is impossible for this to happen without equal representation of all the citizens of this country within the public service.

The inequalities of the past have perpetuated ignorance, fear, and stereotypes, which cause unfair discrimination in the workplace. People With Disabilities (PWD) are a natural and integral part of the society, therefore they should have opportunities to contribute their experience, talents and capabilities.

Furthermore, the Code of Good Practice on the Employment of PWD guides, educate and inform employers and employees on their rights and obligations so as to promote and encourage equal opportunities and fair treatment of PWD in the workplace.

2. PURPOSE

The purpose of this policy is to enforce integration of PWD within the department by ensuring that they are given equal job opportunities, they are also equally represented in all job categories and levels in the workplace; and provided reasonable and suitable accommodation.

3. OBJECTIVES

This policy aims at providing:

- 3.1 Appropriate measures to prevent and eradicate unfair discriminatory practices and employment barriers with regard to the employment of PWD and to promote awareness, understanding and acceptance of all employees on an equal basis through the promotion of mutual respect, dignity and worth;
- 3.2 Reasonable accommodation and support for the needs and advancement of PWD to ensure that they enjoy equal opportunities and are equitably represented at all levels of the workforce including management;
- 3.3 Integrated internally focused management system for the co-ordination of disability equity planning, implementation and transversal monitoring across the department and at various line functions within all levels of the department;
- 3.4 Appropriate capacity building strategies for PWD employed within the department, including provision of bursaries, ABET programmes, internships and learnerships to enhance their potential, ability and skills at all levels and functions; and
- 3.5 Facilitation of job retention to employees who acquire disability whilst employed within the department.

4. SCOPE OF APPLICABILITY

This policy applies to all employees of the Department of Social Development.

5. LEGISLATIVE FRAMEWORK

- 5.1 Employment Equity Act, 1998(Act no 55 of 1998), as amended;
- 5.2 Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 as amended;
- 5.3 Labour Relations Act, 1995(Act no 66 of 1995), as amended;
- 5.4 Public Service Act, 1994(Act no 103 of 1994); as amended;
- 5.5 Public Service Regulations, 2001, as amended;
- 5.6 Basic Conditions of Employment Act, 1997(Act no 75 of 1997), as amended;
- 5.7 PSCBC Resolutions 10 of 1999 and 12 of 1999;
- 5.8 Skills Development Act, 1998(Act no 97 of 1998); as amended;
- 5.9 South African Qualifications Authority Act, 1995(Act no 58 of 1995); as amended;
- 5.10 Job Access – A Strategy for the Public Sector, 2006 – 2010;
- 5.11 Handbook on Reasonable Accommodation for People With Disabilities in the Public Service, 2007;
- 5.12 White Paper on Affirmative Action in the Public Service, 1998;
- 5.13 Code of Good Practice on the Employment of People with Disabilities, 2002;
- 5.14 Code of Good Practice on the Preparation, Implementation and Monitoring of Employment Equity Plans, 1999; and
- 5.15 Code of Good Practice in the Integration of Employment Equity.

6. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

- 6.1 “**ABET**” Adult Basic Education and Training;
- 6.2 “**Department**” means the Department of Social Development;
- 6.3 “**Disability**” the loss or elimination of opportunities to take part in the life of the community equitably with others that is encountered by persons having physical, sensory, psychological, developmental, learning, neurological or other impairments which may be permanent, temporary or episodic in nature, thereby causing activity limitations and participation restriction with the mainstream society;

- 6.4 **“DPO’S”** stands for Disabled People’s Organisations;
- 6.5 **“Employee”** means any person, excluding an independent contractor, who works for another person or for the state and who receives, or is entitled to receive, any remuneration; and any other person in any manner assisting in carrying on or conducting the business of an employer, and “employee” and “employed” have meanings corresponding to that of “employee”;
- 6.6 **“Employer”** means the Department of Social Development;
- 6.7 **“Environmental accessibility”** accessibility of the buildings, e.g., the design of buildings and infrastructure that will ensure inclusive use by all employees including wheelchair users; and accessibility in terms of communication, e.g., the use of technology that will ensure inclusive use by all employees, the use of sign language and training videos, availability of documents in Braille and/or cassette;
- 6.8 **“Equal opportunity”** the right of all people to participate equally in, and benefit from programmes and activities for which they are qualified;
- 6.9 **“Occupational hazard”** potential source or exposure danger in any premise or place where a person performs work in the course of his/her employment;
- 6.10 **“PWD”** stands for People With Disabilities, those who have a long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- 6.11 **“Reasonable accommodation”** measures taken to ensure that a person with a disability is able to perform his/her job functions with minimal assistance;
- 6.12 **“Redesigning jobs”** adaptation of jobs to accommodate PWD whereby tasks can be re-organised to create new jobs;
- 6.13 **“Rehabilitation”** a process aimed at enabling PWD to reach and maintain their optimal physical, sensory, intellectual, psychiatric, and/or social functioning levels, thus providing them with the tools to change their lives towards higher level of independence; and
- 6.14 **“Unjustifiable hardship”** action that requires significant or considerable difficulty or expense and involves considering amongst other things, the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the business.

7. PRINCIPLES

The following principles shall inform the management of PWD in the workplace:

- 7.1 Non-discrimination;
- 7.2 Human dignity and adherence to Human Rights;

- 7.3 Communication and access to information;
- 7.4 Fairness and equal opportunities irrespective of gender, race and ability;
- 7.5 Respect of dignity and individual autonomy;
- 7.6 Accountability and cost effectiveness;
- 7.7 Integration of disability equity with other departmental strategies, planning and programmes;
- 7.8 Promotion of Good Governance; and
- 7.9 Consultation and engagement.

8. REASONABLE ACCOMODATION FOR PWD

The main aim for reasonable accommodation is to reduce the impact of impairment on the person's capacity to perform the essential responsibilities of a job. It involves, amongst others, adjustments on human resource policies, practices and systems as well as the working conditions and environments.

In most of the organisations the focus on reasonable accommodation is usually on people utilising wheelchairs whereas disability goes beyond that. In actual fact, reasonable accommodation depends on the person's impairment, the inherent requirements of the job and the working environment. This may be temporal or permanent depending on the nature and extent of disability. It includes but not limited to:

- (a) Adapting existing facilities to make them accessible, for example, use of Braille and voice over in lifts;
- (b) Adapting existing or acquiring new equipment, machines and furniture for example computers hard/soft wares, Braille printers, photocopying machines, etc;
- (c) Re-organising work-stations;
- (d) Changing training and assessment materials or systems;
- (e) Redesigning/Restructuring jobs so that non-essential functions are re-assigned;
- (f) Adjust working conditions, e.g., working hours and leave;
- (g) Transfer to vacant more suitable position; and
- (h) Provide readers, sign language interpreters, specialised supervision, training and support.

The measures for reasonable accommodation should be based on individual needs, since different types of impairments are unique to individuals. It must be noted that issues of reasonable accommodation commence before PWD are employed and should continue throughout the period of employment.

The department is not obliged to provide reasonable accommodation if it creates unjustifiable hardship. However an objective process of assessing the effectiveness of providing against the difficulty or expense that will seriously disrupt the operation of the department should be considered in depth. This

assessment should also consider the impact of providing as against not providing accommodation as well as the systemic patterns of inequality in the society.

8.1 Recruitment and Selection

For the department to ensure that employment processes are free of discrimination as stipulated by legislation, it has to align recruitment and selection policies and practices to the employment process that is sensitive to specific requirements of previously disadvantaged groups and recognise fair, reasonable and non-discrimination.

The only justification for discrimination against PWD should be based on the inherent job requirements that require certain physical characteristics without which may result in occupational hazards or unjustifiable hardships.

8.1.1 Advertisement

Vacant positions should be advertised so as to reach as efficiently and effectively as possible, the entire pool of potential applicants, especially those from historically disadvantaged groups. Adverts should therefore be clear and concise, containing sufficient details on the inherent requirements of the job, demonstrate sensitivity and consideration of PWD through a disability sign or logo.

It is therefore imperative for the department to broaden its methods of advertising so as to ensure accessibility. These methods include but not limited to, circulating advertisement to organisations that represent PWD, placement of adverts in disability magazines, headhunting skills through relevant recruitment agencies. Further to this, adverts could be provided in a format appropriate to PWD as long as this is practical.

8.1.2 Selection and Interview Process

The general selection and interview process as directed by the departmental Recruitment and Selection policy shall be followed. However, it is important to note that:

- (i) This process is objective, unbiased and sensitive towards the needs of people with disabilities, by all means avoiding any assumptions about PWD;
- (ii) Where it is practically possible, the selection panel should include Employment Equity Practitioners as well as PWD to ensure representivity;

Where this is not possible, a person from other department (Nationally or Provincially) could be obtained;

- (iii) PWD are treated in the same way as people without disabilities and the criteria used in testing their ability should be similar. However, as part of ensuring reasonable

accommodation, more time to read, translate or interpret could be allowed;

- (iv) The venue for the interview is accessible and able to accommodate wheelchairs, sign language interpreters, guide dogs or any other supporting person/arrangements;
- (v) Allowance to cover additional costs of travelling for guide dogs, supporting person or any other travelling arrangements is provided;
- (vi) Interview questions are by all means based on the person's abilities, qualifications and experience with no link to his/her disability;
- (vii) In the case of early identification of disability, that is, prior to the interview, reasonable accommodation like provision of a sign language interpreter, providing special transport, and others, is made;
- (viii) The selection panel understand the disability etiquette to avoid non-discrimination or insult;
- (ix) Selection based on Affirmative Action measures should be based on the approved departmental strategies as well as Employment Equity plans and only on this basis that the department may "earmark" candidates; and
- (x) Medical and psychological testing: The Employment Equity Act prohibits medical testing of employees/prospective employees unless legislation requires or permits such testing or it is justifiable in the light of medical facts, employment conditions, social policy, fair distribution of employee benefits or inherent requirements of the job. Medical and other types of testing have been historically used to rationalise discrimination of PWD. Thus any kind of medical or other testing need to be treated with prudence.

The following must then be taken into consideration when conducting medical/psychological testing:

- (a) Tests are relevant and appropriate to the kind of work and address the necessary fitness criteria for the job, the workplace and its hazards;
- (b) Tests are established in such a way that they do not unfairly exclude PWD and are not biased as to their application, assessment and interpretation;
- (c) There is clear distinction between tests to establish the health of an employee/prospective employee and assessment of the ability to perform essential job functions or duties;

- (d) Health testing is carried out after it has been established that the person is competent to perform the essential requirements of the job/functions;
- (e) All costs due to medical, health or safety tests done as per job requirement would be borne by the department;
- (f) The same principles apply in the case where an existing employee is ill or injured, be it on the job or off the job, and the testing is required to establish the necessary accommodation of that employees; and
- (g) Psychometric testing can only be applied as part of the selection process and should comply with the requirements of the Employment Equity. Also, tests of this nature should be scientifically valid, reliable and be applied fairly to all employees/prospective employees.

8.2 Terms and conditions of employment

The terms and conditions of employment of PWD should not be less favourable than those of non-disabled employees.

8.2.1 Placement

Assignment of duties to PWD should be non-discriminatory though subject to the aspects of reasonable accommodation. There should be no limit, segregation or classification of employee that negatively affects him/her in terms of job opportunity and advancement, due to disability. The compensation or payment should by all means be similar to that of non-disabled employees as long as they belong to the same level of remuneration.

8.2.2 Human Resource Development and Career Advancement Programmes

(a) Orientation and Induction

This is defined as the process of integrating new employee(s) to the organization and acquainting him/her with details and requirements of the job. It is where employees are transformed from seeing themselves as complete outsiders and be part and parcel of the organisation. It includes orientation and mobility for the visually impaired people to familiarize them with the environment and promote their independence.

This process must follow just after an employee has been placed in a position as for one, it acquaints new employee(s) with the departmental vision, mission and goals thus creating sense of belonging, secondly it establishes relationships with co-workers while identifying the basic responsibilities of the job and how their contribution fits to the overall organisation.

The training programme for induction must thus be accessible and ensure reasonable accommodation. It is also advisable that Disability Sensitisation be done to other team members so as to deal with prejudices and stereotypes which might exist. Reasonable accommodation during this process, include but not limited to:

- (i) Accessible training material suitable for the type of disability; and
- (ii) Arrangement of a professional to assist, for example, sign-language interpreter, individualised training and others.

(b) Training and Development

The Public Service Regulations, Part IX A, Chapter 1, stipulates that employees require ongoing and equitable access to training that is geared towards achieving efficient, non-partisan and representative public service. The training offered should be increasingly driven by needs, and link strategically to broader human resource management practices and programmes aiming at the enhancement of employment equity and representativeness. Further to this, it should support work performance and career development.

It is therefore necessary for the department to take heed in facilitating equal access to training and development opportunities for their employees. They need to avail additional support mechanisms in their training environment based on the specific needs of individual PWD. This entails the following:

- (i) appropriate technology, necessary training tools, materials, processes, interpreter services and sign language instruction;
- (ii) flexible curricula, respect and understanding of diversity and human rights, equipped facilitators/tutors and barrier-free environment; and
- (iii) Provision of assisting devices and specialised equipment tailor- made for individual needs.

(c) Career Advancement Programmes

Career advancement programmes should be done in consultation with employees with disabilities and should be in line with the approved departmental affirmative action measures. Supervisors and Managers should be trained in undertaking their responsibilities towards the career of PWD. The department should also ensure that bursary schemes are available to PWD for studies at formal training institutions to ascertain meaningful contribution of training and education to their career development. There

should also be no discrimination of PWD in terms of succession plan.

8.2.3 Health and Safety

It is a statutory requirement for the department to establish and maintain safe and healthy work environment that is without risk to the health and safety of all employees. Therefore disabilities or further disabilities at work should by all means be prevented. The department must provide evacuation procedures, in the case of emergencies, and should take into account any specific or additional measures required to safe evacuation of PWD from a building or work site. In addition to this, there should be designated employees responsible for giving assistance to PWD during emergencies.

8.2.4 Performance Management and Development

All systems and instruments of Performance Management and Development within the department should be applied equitably to all employees. There should be similar standards of productivity and performance (with consideration to reasonable accommodation) applicable to counterparts of similar duties with development needs reflected in the individual Performance Development Plans. Assessment of work performance should clearly identify and fairly measure and reward performance based on the inherent requirements of the job.

8.2.5 Transport

The department shall, within its limited resources, gradually provide services of government vehicles in transporting PWD to and from work, those who have difficulty in utilising the available public transport.

8.2.6 Employee Health and Wellness

The Employee Health and Wellness Programme is fully inclusive to PWD to ensure early identification of employees at risk and the successful referral for assistance/interventions/rehabilitation so as to ensure productivity. Rehabilitation programmes providing support shall include activities such as counselling of PWD, developing self-reliance and occasional services such as assessment and guidance.

8.2.7 Awareness Raising and Sensitising

Reasonable accommodation of PWD in the workplace on its own is not sufficient to ensure their productivity and retention. It is also of much importance that their colleagues understand how to relate appropriately to them. One of the greatest problems usually faced by PWD is dealing with negative attitudes which usually lead to exclusion and marginalisation of PWD. Besides, other colleagues need to be familiarised even with the preferred terminology as well as day-to-day relation to PWD, for example, when to assist.

Changing of attitudes is not spontaneous or automatic; however it is a process which involves shifting in a series of stages, from one set of

attitudes to another. Thus it is imperative that the department initiates and support awareness-training campaigns within its working environment, designed to overcome negative attitudes and prejudices concerning PWD, their rights and privileges, their potential and their contributions. This could be done through diversity management programmes, seminars, posters, newsletters and workshops.

8.2.8 Retention / Termination of People with Disabilities

Employees who become disabled during their cause of employment should, where possible, be accommodated as long as they are deemed fit to work. The Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR) should be followed in dealing with such cases.

8.2.9 Confidentiality and Disclosure of Disability

- (i) The department should only gather private information relating to employees if it is necessary to achieve a legitimate purpose. Information disclosed by employees should be protected and records on private information (confidential) relating to disability of employees/prospective employees should be kept separate from general personnel records. All personnel/officials handling this information should also sign a pledge of confidentiality;
- (ii) Information relating to employee's disability should never be disclosed without the written consent of the person concerned;
- (iii) PWD can keep their disability status confidential. However, the department would not be obliged to provide reasonable accommodation, as they would be unaware of the disability; and
- (iv) If the disability is not self-evident, it may be required for the disabled person to disclose sufficient information to confirm the disability or the reasonable accommodation.

9. ROLES AND RESPONSIBILITIES

9.1 HEAD OF DEPARTMENT

The Head of Department must ensure that:

- (a) The working environment is conducive and accommodating; and
- (b) Education and awareness programmes for PWD are developed and implemented.

9.2 MANAGERS

All managers must ensure that:

- (a) Their respective employees are well educated and sensitized in the matter to avoid unfair discrimination against PWD;
- (b) All rules and regulations pertaining to PWD are adhered to; and
- (c) They address the issues of inherent job requirements and redesigning of jobs so as to ensure equal opportunity to PWD.

9.3 EMPLOYEES

- (a) The employees must show respect and sensitivity towards PWD at all times; and
- (b) They must offer assistance to them in any manner possible.

9.4 PEOPLE WITH DISABILITIES

- (a) They should play a leading role in creating awareness in the workplace;
- (b) They must guide the development of all awareness programmes in the workplace;
- (c) They must consider becoming members of representative structures within the workplace in order to create hands on disability awareness training; and
- (d) PWD have a responsibility, wherever possible and reasonable of developing themselves in all aspects of human resource development.

10. MONITORING, EVALUATION AND REVIEW

- 10.1 The Human Resource Management Component is responsible for communicating the provisions of this policy to all employees;
- 10.2 All offices are responsible for the implementation thereof; and
- 10.3 The policy will be monitored, evaluated and reviewed on regular basis to ensure that it achieves the intended purpose

11. EFFECTIVE DATE

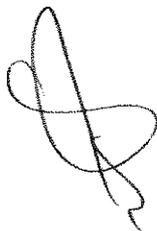
This policy is to be effective immediately on the date of approval.

12. TITLE OF THE POLICY

This policy shall be called Policy on Disability Management in the Workplace.

13. POLICY APPROVAL

This policy supersedes all other policies on Disability Management in the Workplace promulgated before. This policy is approved with effect from the 10th day of November in the year 2009 and will be effective on the date of approval.



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MR BL NKOSI
HEAD OF DEPARTMENT: SOCIAL DEVELOPMENT