CHIETA
CHEMICAL INDUSTRIES EDUCATION & TRAINING AUTHORITY

People with Disabilities Toolkit

April 2015

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CHAPTER 1

INTRODUCTION

1.1 CEO MESSAGE

PLACE A MESSAGE FROM CEO HERE

1.2 PURPOSE OF THE PWD TOOLKIT

To assist chemical sector companies, achieve but not limited to:

- Assist with meeting legislative imperatives
- Develop a working definition of disability for the chemical sector
- Assist companies with handling disability in the workplace
- Understanding reasonable accommodation, issues of sensitivity, discrimination
- Increasing employment opportunities for people with disabilities

IMPORTANT NOTES:

- This PWD Toolkit is aimed at providing the user with a tool to better understand the working environment and conditions related to people with disabilities in the workplace and should not be used as a Labour Relations Tool.

- Notes, examples, tools and guidelines are provided as a reference only and not as a regulatory stance by the CHIETA.

- The "PWD Facilities assessment tool" included as part of the PWD Toolkit, is aimed at providing the user with a method of assessing the environment against set building standards for people with disabilities and identify areas for improvement.

1.3 DISABILITY LANDSCAPE

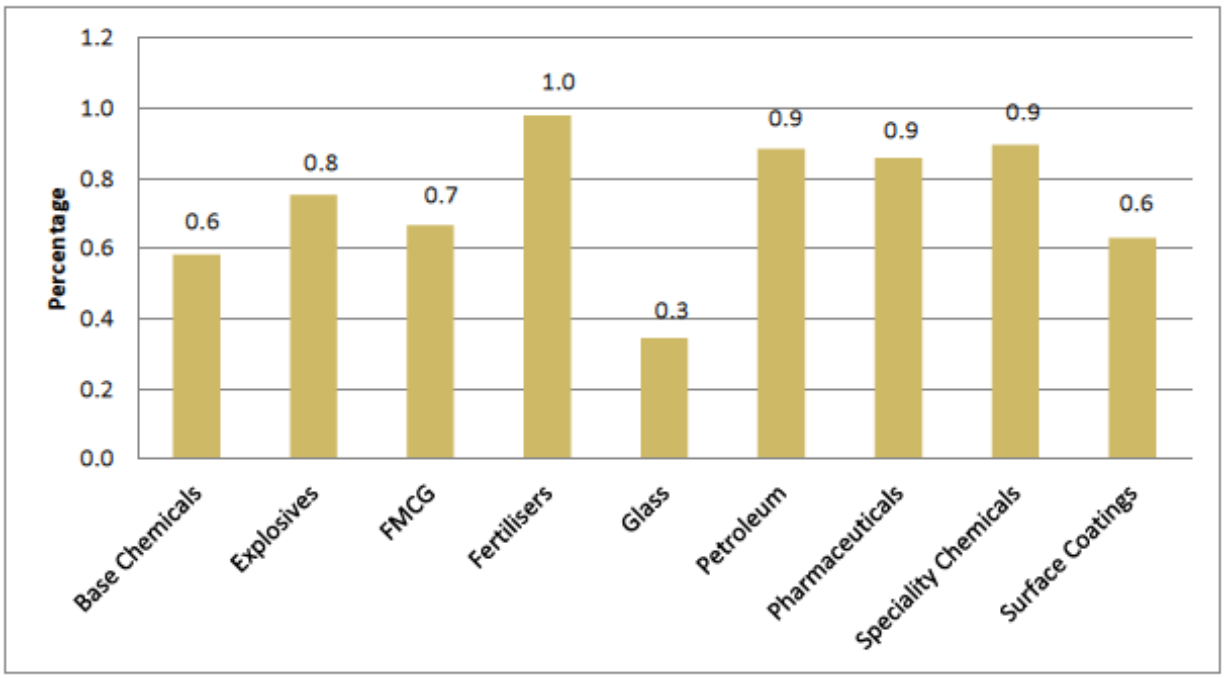
1.3.1 CHEMICAL SECTOR DISABILITY LANDSCAPE

According to the March 2014 WSP submissions, there were 1 245 employees with disabilities working in the Chemical Sector. This equates to 0.8% of all employees in the sector. Figure 2-12 below displays the proportion of disabled employees by subsector. The Fertiliser subsector had the highest proportion of disabled employees– 1.0% and the Glass Subsector the lowest – 0.3%.

Stakeholders, through the CHIETA Chambers, noted the difficulty of employing people with disabilities (depending on their disability) in certain occupations due to health and safety requirements. It is particularly difficult in key production occupations. However, there was an acknowledgement that more effort needs to be made to identify those occupations in which people with disabilities can be employed and to recruit people with disabilities for these occupations.

In addition, CHIETA will work with stakeholders on training around disability awareness and is committed to supporting projects aimed at people with disabilities through the discretionary grants.

Figure 2-12 Percentage employees with disabilities per subsector: March 2014



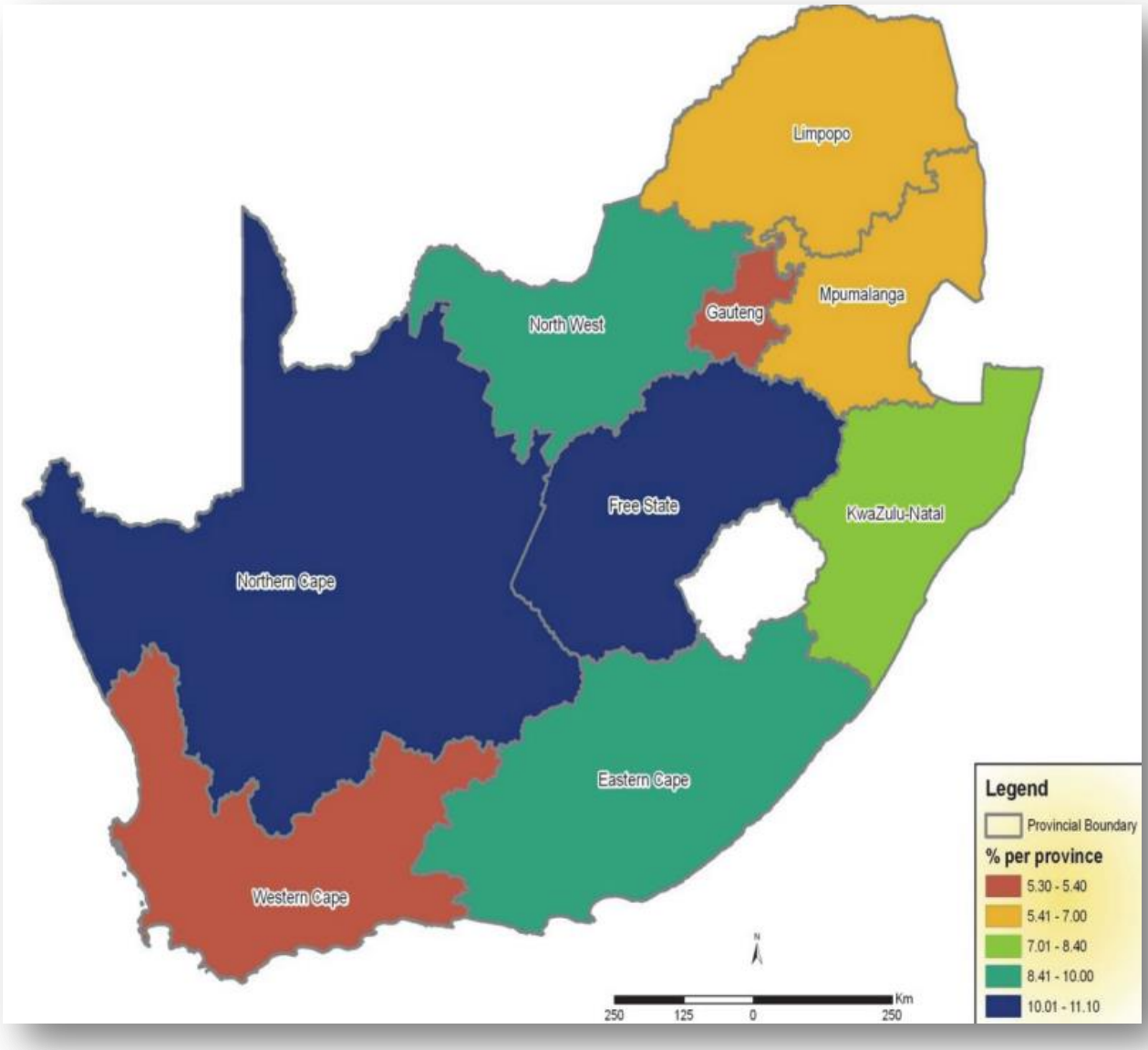
1.3.2 NATIONAL DISABILITY LANDSCAPE

Mainstreaming disability in society has been well articulated at global, regional and national levels. It is widely recognised that such efforts can only be realised if statistics on disability prevalence, patterns and levels are availed at all levels of society. Disability statistics provide the basis for measuring progress in realising the rights of persons with disabilities. In South Africa, current and future policies and interventions to ensure that persons with disabilities have equal access to education, employment and basic services require statistical evidence. This report provides statistical evidence relating to the prevalence of disability and characteristics of persons with disabilities at both individual and household levels, based on Census 2011 data①. The results cannot be compared to the results of the previous censuses of 1996 and 2001 and the Community Survey of 2007, due to differences in the questions that were asked. The report also does not include statistics on children under the age of five or on persons with psychosocial and certain neurological disabilities due to data limitations, and should therefore not be used for purposes of describing the overall disability prevalence or profile of persons with disabilities in South Africa.

Two measures were employed to profile disability prevalence and patterns based on the six functional domains, namely seeing, hearing, communication, remembering/concentrating, walking and self-care.

These two measures were the degree of difficulty in a specific functional domain, and the disability index. The first measure presents disability statistics based on moderate to severe thresholds in a specific functional domain, and the second model combines some thresholds to categorise a person as either being disabled or not. Both measures aim at providing an alternative but complementary understanding of the profile of persons with disabilities.

① Profile of persons with disabilities in South Africa - Stats SA 2011



Disability prevalence by province

- The findings show a national disability prevalence rate of 7,5%, subject to the limitations described above.
- Provincial variations show that Free State and Northern Cape provinces had the highest proportion of persons with disabilities (11%), followed by North West and Eastern Cape (10% and 9,6% respectively).
- Western Cape and Gauteng provinces showed the lowest percentage of persons with disabilities (5%).

Province	With disabilities		Without disabilities		Total	
	N	%	N	%	N	%
Western Cape	222 333	5,4	3 914 513	94,6	4 136 846	100,0
Eastern Cape	472 106	9,6	4 448 179	90,4	4 920 285	100,0
Northern Cape	92 731	11,0	747 310	89,0	840 041	100,0
Free State	234 738	11,1	1 888 869	89,0	2 123 607	100,0
KwaZulu-Natal	620 481	8,4	6 728 673	91,6	7 349 154	100,0
North West	254 333	10,0	2 285 298	90,0	2 539 631	100,0
Gauteng	485 331	5,3	8 627 419	94,7	9 112 750	100,0
Mpumalanga	205 280	7,0	2 727 519	93,0	2 932 799	100,0
Limpopo	282 797	6,9	3 846 966	93,2	4 129 763	100,0
South Africa	**2 870 130**	**7,5**	**35 214 746**	**92,5**	**38 084 876**	**100,0**

Disability prevalence by sex

Both measures of disability (disability index and degree of difficulty measures) show noticeable sex variations. The index shows that disability is more prevalent among females compared to males (8,3% and 6,5% respectively).

Sex	With disabilities		Without disabilities		Total	
	N	%	N	%	N	%
Male	1 188 059	6,5	16 998 903	93,5	18 186 962	100,0
Female	1 682 071	8,5	18 215 843	91,5	19 897 914	100,0
Total	**2 870 130**	**7,5**	**35 214 746**	**92,5**	**38 084 876**	**100,0**

The degree of difficulty measure showed that females had the highest percentage of persons experiencing mild and severe difficulties across all types of difficulties except for communication, where both males and females had the same proportion of persons who had experienced mild difficulties.

Disability prevalence by population group

The population group profile shows that black Africans had the highest proportion of persons with disabilities (7,8%), followed by the white population group (6,5%). No variations were observed among the coloured and Indian/Asian population groups.

Population group	With disabilities		Without disabilities		Total
	N	%	N	%	N
Black African	2 381 668	7,8	27 978 293	92,2	30 359 961
Coloured	207 244	6,2	3 128 955	93,8	3 336 199
Indian	60 614	6,2	911 648	93,8	972 262
White	211 502	6,5	3 041 587	93,5	3 253 089
Other	9 102	5,6	154 263	94,4	163 365
Total	**2 870 130**	**7,5**	**35 214 746**	**92,5**	**38 084 876**

Degree of difficulty in the six functional domains of seeing, hearing, communicating, walking, remembering, and self-care

Type of difficulty	Sex and degree of difficulty (numbers and percentage)										
	Sex	None	Mild difficulty	Severe difficulty	Do not know	Total	None	Mild difficulty	Severe difficulty	Do not know	Total
Seeing	Male	19 293 437	1 604 318	279 553	11 460	**21 188 768**	91,1	7,6	1,3	0,1	100,0
	Female	19 771 350	2 481 581	458 526	11 912	**22 723 368**	87,0	10,9	2,0	0,1	100,0
	Total	**39 064 787**	**4 085 898**	**738 079**	**23 372**	**43 912 136**	**89,0**	**9,3**	**1,7**	**0,1**	100,0
Hearing	Male	20 461 507	545 433	127 271	10 179	**21 144 389**	96,8	2,6	0,6	0,0	100,0
	Female	21 796 259	706 475	161 098	10 613	**22 674 444**	96,1	3,1	0,7	0,0	100,0
	Total	**42 257 767**	**1 251 907**	**288 369**	**20 791**	**43 818 834**	**96,4**	**2,9**	**0,7**	**0,0**	100,0
Communication	Male	20 756 600	225 018	97 450	10 850	**21 089 918**	98,4	1,1	0,5	0,1	100,0
	Female	22 258 298	248 432	93 832	11 015	**22 611 576**	98,4	1,1	0,4	0,0	100,0
	Total	**43 014 898**	**473 450**	**191 282**	**21 864**	**43 701 494**	**98,4**	**1,1**	**0,4**	**0,1**	100,0
Walking/ climbing stairs	Male	20 559 261	426 317	172 044	7 836	**21 165 458**	97,1	2,0	0,8	0,0	100,0
	Female	21 759 194	673 818	251 135	8 504	**22 692 651**	95,9	3,0	1,1	0,0	100,0
	Total	**42 318 455**	**1 100 135**	**423 179**	**16 340**	**43 858 109**	**96,5**	**2,5**	**1,0**	**0,0**	100,0
Remembering/ concentrating	Male	20 343 787	570 561	187 095	18 470	**21 119 914**	96,3	2,7	0,9	0,1	100,0
	Female	21 522 772	834 537	269 084	17 224	**22 643 617**	95,1	3,7	1,2	0,1	100,0
	Total	**41 866 559**	**1 405 098**	**456 179**	**35 694**	**43 763 530**	**95,7**	**3,2**	**1,0**	**0,1**	100,0
Self-care	Male	19 877 403	389 097	288 597	31 756	**20 586 852**	96,6	1,9	1,4	0,2	100,0
	Female	21 326 855	448 266	300 273	31 408	**22 106 801**	96,5	2,0	1,4	0,1	100,0
	Total	**41 204 257**	**837 363**	**588 869**	**63 164**	**42 693 653**	**96,5**	**2,0**	**1,4**	**0,1**	100,0

1.4 USING THE PWD TOOLKIT

The CHIETA People with Disabilities Toolkit (PWDT) has been designed to assist employers within the chemical sector in understanding and meeting legislative imperatives as well as increasing employment opportunities for people with disabilities.

It is hoped that through the understanding of what "disability" refers to within the work environment and what is expected from legislation, that the employer and employee can work on creating a better and sustainable working environment.

Employees need to:

- Be able to explain in your own words the type of accommodation required relating to the specific nature, degree and severity of your disability.
- Take responsibility to ask for accommodation if required.
- Know that you have the right to ask for accommodation at any stage of the employment process.
- Make the final decision about the type of accommodation that you require, but be responsible enough to know that it must be a **viable** option for both yourself and the employer.
- How to search and apply for jobs

Employers need to:

- Understand the definition of disability within the workplace
- Understand and be able to apply the requirements of "Reasonable Accommodation " as defined within the Employment Equity Act
- Understand and be able to apply the requirements of the working environment for people with disabilities
- Code of Good Practice for employing people with disabilities

Facts and Examples

Within each chapter of the toolkit, FACTS (legislation requirements / good practices) and EXAMPLES (practical steps that can be followed, are included.

Also provided is a self-assessment tool (hardcopy and electronic format provided) that allows the employer to assess themselves against the facilities requirements for people with disabilities.

References

References have been provided to allow the employer / employee further reading on each chapter

CHAPTER 2

ASSESSING THE FACILITIES FOR PEOPLE WITH DISABILITIES

2. 1 SELF ASSESSMENT TOOL

2.1.1 OVERVIEW

Following good practice, it can be beneficial to assess your complete organization or a selected section of the organisation against a set of criteria before one works through the PWD Toolkit.

In order for the user to do so, we have included a "PWD Facilities assessment tool" that allows the user to measure the facilities against the following criteria :

1	GENERAL
2	SIGNAGE
3	PARKING
4	INTERNAL AND EXTERNAL CIRCULATION
5	FLOOR AND GROUND SURFACES
6	DOORWAYS, DOORS AND DOOR HANDLES
7	CHANGES IN LEVEL
8	RAMPS
9	STAIRWAYS
10	HANDRAILS
11	LIFTS
12	TOILET FACILITIES
13	AUDITORIUMS, GRANDSTANDS AND HALLS
14	CONTROL, SWITCHES AND POWER POINTS
15	WARNING SIGNALS
16	LIGHTING

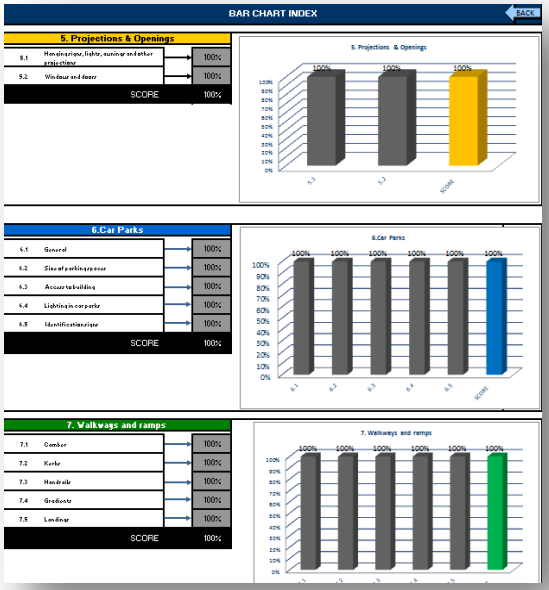
Once the user has worked through the "PWD Facilities assessment tool", it generates a compliance graph and scores each area (allows the user to see areas for improvement and those areas that are compliant).

SCORE BY AREA

Office	Facilities Management (Corporate Services)		
Province	Gauteng	Telephone:	+27 12 683 1200 PB
		Fax.	+27 12 683 1200 PB
City / Town	Centurion	e-mail	NA
		Cell No.	NA
Physical Address	265 West Street, Tuinhof Building, Stinkhout Wing, 1st Floor, Centurion		
Postal Address	P O Box 10335 Centurion 0046		
Managers Detail	First Name	Rashid	
	Surname	Marillier	
	Cell	NA	
	E-Mail	NA	
Audit Date	24th November 2009	Audit Ref.No.	Erg-001

CONFORMANCE CRITERIA	RATING
5 Projections & Openings	100%
6 Car Parks	100%
7 Walkways & Ramps	100%
8 Kerb Cut	100%
9 Stairs	100%
10 Handrails	100%
11 Doorways and Doors	100%
12 Finishes	100%
13 Controls for use	100%
14 Toilet Facilities	100%
15 Signals and Warnings	100%
16 Lighting	100%
17 Signs	100%
Annex A	100%
OVERALL COMPLIANCE	100%

COMPLIANCE GRAPHS



2.1.2 FORMAT OF THE SELF ASSESSMENT TOOLS

Within the "*FACILITIES ASSESSMENT TOOL*" folder contained on the CD, the following has been provided for :

2.1.2.1 PWD Facilities assessment tool – Excel format

The electronic (Excel) tool can be used by the employer to assess the complete organisation or even selected areas of the organisation to identify areas of compliance and improvement.

This method is ideal for those organisations that have the ability to load the electronic tool onto a tablet and directly complete the questions while the person does the assessment. (best practice is to take pictures as objective evidence to support each question where required).

2.1.2.2 PWD Facilities assessment tool – PDF format

The hardcopy (PDF) format allows the employee and / or the employer to print off the assessment and then manually write the results in the areas provided while doing the assessment.

The benefit to the employer, is that one can do an assessment by allocating different areas to be assessed by different staff without them having access to the electronic format of the tool. They can return the completed question (with supporting evidence) to an allocated responsible person who then enters the results into the electronic format.

It must be remembered that to obtain the full benefit of the PWD Facilities Assessment Tool, the user would need to enter the results and evidence into the electronic version of the tool.

2.1.2.3 Benefits of the PWD Facilities Assessment Tool

Employer Benefits

- By using the hardcopy format, the employer can do an assessment by allocating different areas to be assessed by different staff without them having access to the electronic format of the tool. They can return the completed question (with supporting evidence) to an allocated responsible person who then enters the results into the electronic format.
- As the electronic version of the tool provides graphs and percentage compliance by each criteria, the results can be included into management meetings.
- Can build it into the Health and Safety audits if required.
- Use it as an improvement tool for facilities upgrades or even a guide for new facilities.
- Results can be used as input the facilities maintenance programme.

Employee Benefits

- Can print off the hardcopy format and objectively assess the area they work in.
- Obtain an understanding of what the facilities should comply with for people with disabilities, without having to work though the various acts and legislation.

2.1.2.4 Guideline on using the PWD Facilities Assessment Tool

Guidelines on the use of each format is contained within the respective PWD Facilities Assessment Tool under the "GUIDE – EXCEL FORMAT" or the "GUIDE – HARDCOPY FORMAT" tabs.

CHAPTER 3

DEFINING A PERSON WITH DISABILITIES

3.1 DEFINING A PERSON WITH DISABILITIES

Approximately five million South Africans are disabled. This is around one in ten South Africans. Despite this, less than 1% of all people employed in this country are those with disabilities.

FACT STATEMENT 1 : Is the definition of Workplace Disability defined
According to the Employment Equity Act in South Africa, only people who satisfy all the criteria in the definition: (i) long-term or recurring; (ii) having a physical or mental impairment; (iii) which substantially limits, are considered as persons with disabilities.

Long-term or recurring

- Long-term means the impairment has lasted or is likely to persist for at least twelve months. A short-term or temporary illness or injury is not an impairment which gives rise to a disability.
- A recurring impairment is one that is likely to happen again and to be substantially limiting (see below). It includes a constant underlying condition, even if its effects on a person fluctuate.
- Progressive conditions are those that are likely to develop or change or recur. People living with progressive conditions or illnesses are considered as people with disabilities once the impairment starts to be substantially limiting. Progressive or recurring conditions which have no overt symptoms or which do not substantially limit a person are not disabilities.

Impairment

- An impairment may be physical or mental.
- 'Physical' impairment means a partial or total loss of a bodily function or part of the body. It includes sensory impairments such as being deaf, hearing impaired, or visually impaired and any combination of physical or mental impairments.

- ‘Mental’ impairment means a clinically recognised condition or illness that affects a person’s thought processes, judgment or emotions.

Substantially limiting

- An impairment is substantially limiting if, in the absence of reasonable accommodation by the employer, a person would be either totally unable to do a job or would be significantly limited in doing the job.
- Some impairments are so easily controlled, corrected or lessened, that they have no limiting effects. For example, a person who wears spectacles or contact lenses does not have a disability unless even with spectacles or contact lenses the person’s vision is substantially impaired.
- An assessment whether the effects of impairment are substantially limiting must consider if medical treatment or other devices would control or correct the impairment so that its adverse effects are prevented or removed.
- For reasons of public policy certain conditions or impairments may not be considered disabilities. These include but are not limited to:
    - sexual behaviour disorders that are against public policy;
    - self-imposed body adornments such as tattoos and body piercing;
    - compulsive gambling, tendency to steal or light fires;
    - disorders that affect a person’s mental or physical state if they are caused by current use of illegal drugs or alcohol,
    - unless the affected person is participating in a recognised programme of treatment;
    - normal deviations in height, weight and strength; and
    - conventional physical and mental characteristics and common personality traits.

FACT STATEMENT 2 : **Are people with disabilities protected in the workplace**
Yes. The Employment Equity Act, No. 55 of 1998 protects people with disabilities against unfair discrimination and entitles them to affirmative action measures.

The three basic criteria in the Act, must all be met if a person is to be covered under the Act. The Technical Assistance Guidelines (TAG) provides the necessary guidelines to assist in the application of these concepts in practice.

3.1.1 The Three Criteria to Classify a Person with Disabilities

3.1.1.1 First, a person must have an impairment

An impairment may either be physical or mental or a combination of both.

- A physical impairment means "a partial or total loss of a bodily function or part of the body. It includes sensory impairments such as being deaf, hearing impaired or visually impaired".
- A mental impairment is a clinically recognised condition or illness that affects a person's thought processes, judgement or emotions. This includes conditions such as intellectual, emotional and learning disabilities. For reasons of public policy, certain conditions or impairments may not be considered disabilities .

3.1.1.2 Secondly, the impairment must also be long-term or recurring

Long-term means the impairment has lasted or is likely to persist at least 12 months. Recurring means the impairment in one that is likely to happen again and to be substantially limiting. The condition can go away for a period of time and return again but it is never cured. It includes a constant chronic condition, even if its effects on a person fluctuate, such as some forms of multiple sclerosis.

Progressive conditions are those that are likely to develop or change or recur. People living with progressive conditions or illnesses are considered as people with disabilities once the impairment starts to be substantially limiting.

Progressive or recurring conditions which have no overt symptoms or which do not substantially limit a person with no disabilities - for example, a person with cancer, tuberculosis or HIV would not be covered under the Employment Equity Act until the symptoms are substantially limiting the person's ability to perform their job.

3.1.1.3 Thirdly, the impairment must be substantially limiting

An impairment is substantially limiting if its nature, duration or effects substantially limit a person's ability to perform essential functions of the job for which she/he is being considered. If the effects of the impairment are not substantially limiting, even if they are physical and/or mental, are long-term or recurring, then the person is not covered under the Act. Qualified experts may be used to assist the employer to determine whether a particular impairment is substantially limiting or an applicant or employee may be able to provide information sufficient to document this.

3.1.2 The Two Excluded Categories

3.1.2.1 First category of impairments excluded

The first category are impairments, which are so easily controlled, corrected or lessened, that they have no limiting effects. For example, a person who wears spectacles or contact lenses does not have a disability unless even with spectacles or contact lenses the person's vision is substantially impaired. An assessment to determine whether the effects of an impairment are substantially limiting, must consider if medical treatment or other devices would control or correct the impairment so that its adverse effects are prevented or removed.

3.1.2.2 Second category of impairments excluded

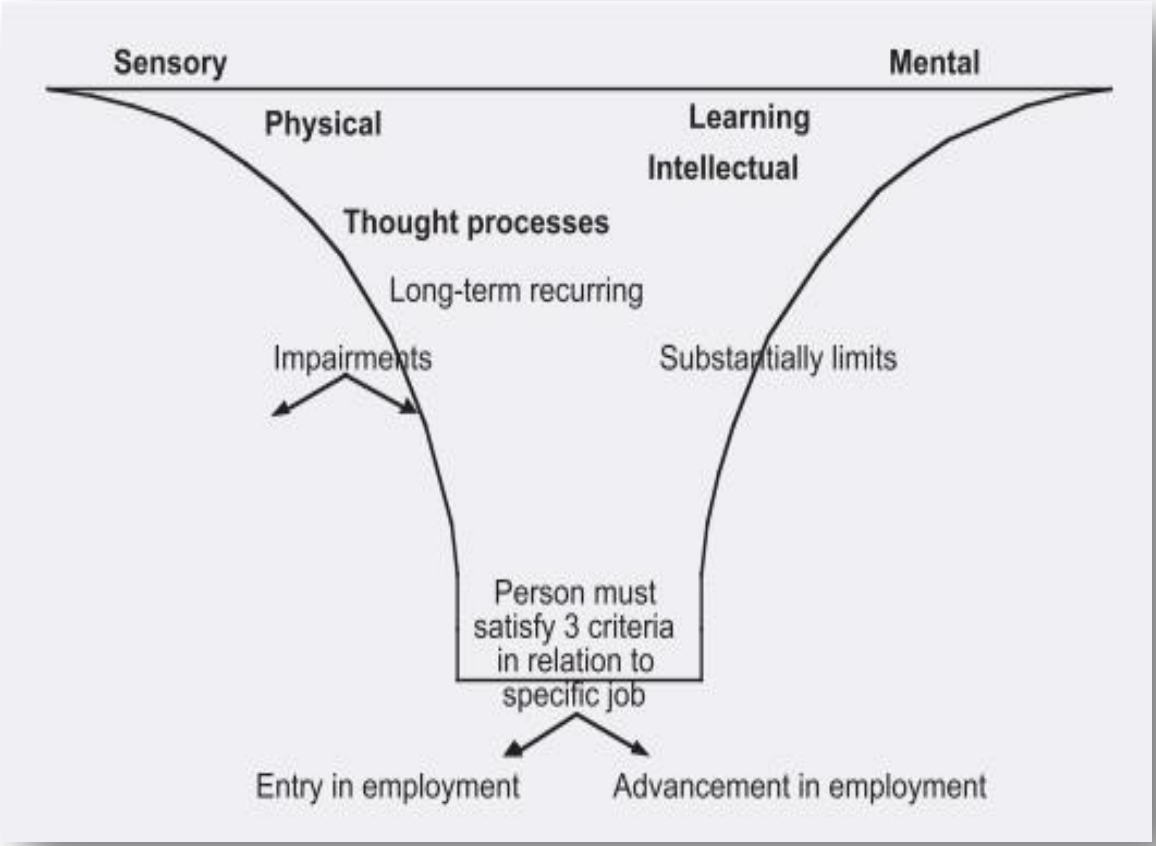
The second category refers to what are called public policy exclusions. This means that for reasons of public policy certain conditions or impairments may not be considered disabilities. These include but are not limited to:

- sexual behavior disorders that are against public policy
- self-imposed body adornments such as tattoos and body piercing
- compulsive gambling, tendency to steal or light fires
- disorders that affect a person's mental or physical state if they are caused by current use of illegal drugs or alcohol, unless the affected person is participating in a recognised programme of treatment
- normal deviations in height, weight and strength; and conventional physical and mental characteristics and common personality traits

3.1.3 Applying the three criteria in practice

if one considers the image of the funnel below, it includes anyone who initially believes that they are disabled and as the funnel draws narrower towards the end, it begins to eliminate those who do not meet all three of the qualifying criteria in the sequence as set out in the definition.

A practical way of determining this, is to ask and seek answers to targeted questions to decide between the employer and the applicant/employee if someone fits the definition.



3.1.3.1 Using a Checklist Format to Determine a Disability

Below are two examples using a checklist, which serves as a practical tool to determine the existence of a disability. This task should be conducted if it is obvious that the person has a disability or the person has indicated on his/her application form that she/he has a disability.

It can also be done if the person in your employ indicates that she/he has a disability for the purpose of seeking reasonable accommodation. The same approach can be taken should a person currently in employment, becomes incapacitated / disabled while on duty.

It is very important to remember, however, that one is not allowed to give this information to any third party such as medical aid schemes and insurance companies without the consent of the person affected.

Example one

This example involves a person who has cerebral palsy and also epilepsy.

Criteria	Question	Yes	No	Comments
Physical impairment	Do you have a physical impairment that may limit your ability to perform the essential functions of the job?	*		This includes sensory impairments.
Mental impairment	Do you have difficulty following standard written or verbal instructions?		*	If yes to either of these or similar mental or emotional conditions, has a professional identified this as a clinically recognised condition?
Long-term	Do you have difficulty performing when you feel extremely stressed?	*		Long-term is defined for the purpose of this exercise as 12 months or longer.
Recurring	Have you had this physical condition for more than 12 months? Is this impairment a once-off occurrence or does it fluctuate?	*		Recurring means that the impairment is likely to occur again and includes chronic conditions even if its effects on the person fluctuate.
Substantially limits	Can the effect of your disability be easily controlled with medication? Can this disability be easily corrected, e.g. with a device? Can the effect of the disability be reduced by, e.g. medical treatment?		* * *	

The above assessment determined that this person has a disability under the definition of the Act and Code

Example two

This example involves a person who has a broken ankle who uses crutches temporarily.

Criteria	Question	Yes	No	Comments
Physical impairment	Do you have a physical impairment that may limit your ability to perform the essential functions of the job?		*	This includes sensory impairments.
Mental impairment	Do you have difficulty following standard written or verbal instructions? Do you have difficulty performing when you feel extremely stressed?		*	If yes to either of these or similar mental or emotional conditions, has a professional identified this as a clinically recognised condition?
Long-term	Have you had this physical condition for more than 12 months?		*	Long-term is defined for the purpose of this exercise as 12 months or longer.
Recurring	Is this impairment a once-off occurrence or does it fluctuate?		*	Recurring means that the impairment is likely to occur again and includes chronic conditions even if its effects on the person fluctuate.
Substantially limits	Can the effect of your disability be easily controlled with medication? Can this disability be easily corrected, e.g. with a device? Can the effect of the disability be reduced by, e.g. medical treatment?	* * *		

The assessment above determined that this person does not have a disability under the definition of the Act and Code, but reasonable accommodation measures would have to be considered to enable the person to physically access the infrastructure to perform his/her job.

The above examples indicate that it is necessary to do a careful, case-by-case analysis to determine whether an impairment substantially limits a person's "prospects of entry into, or advancement in employment" as stated by the conditions of employment.

This analysis focuses on the person in question and analyses whether the impairment is conditions of employment. This analysis focuses on the person in question and analyses whether the impairment is substantially limiting for the job that the person is being considered for, or is currently doing.

3.1.3.2 Integrating it with your Job Profiles / Descriptions

One can use the above approach discussed in 3.1.3.1, to enhance the organisations current Job Profiles / Descriptions without changing the content of the current Job Profiles / Descriptions. The benefits are the following :

- provides a structured disability assessment format should a person with disabilities apply for the position.
- Provides a structured interface between the Job Profiles / Descriptions and the required Health and Safety Job and Facility risk assessments.

3.1.3.3 Integrating it with your Health and Safety System

If an employee is disabled / incapacitated, the disability assessment checklist can be used as input into the Health and Safety facility and job risk assessment to see what would be the risk should the employee request to remain in the current position or even move to another position.

If there are no obvious negative risks to the employee, job and work environment, one can still perform an "on the job" evaluation to see if there are any other possible risks that may relate to the employees disability.

This again provides a strong and objective interface between the Human Resources and Health and Safety departments.

FACT STATEMENT 3 : **Does discrimination still exist in the workplace, despite legislation**

Yes.

Unfortunately, lack of understanding with regards to compliance, fear and stereotypes can result in people with disabilities been unfairly discriminated against. As a result, people with disabilities experience high unemployment levels.

Unfair disability discrimination is perpetuated in many ways, and can include:

- Setting employment criteria that excludes disabled people (for example, stressing that an employee must own and drive a car).
- Keeping disabled employees in low status jobs, earning a lower than average remuneration.
- Inaccessible workplaces (lack of wheelchair access or ablution facilities for the disabled, for example).
- Lack of appropriate technical workplace support.
- Inappropriate or non-existent training for people with disabilities.
- Bias and stigma.

CHAPTER 4

RECRUITING PEOPLE WITH DISABILITIES

4.1. RECRUITMENT AND SELECTION

FACT STATEMENT 5 : Code of Good Practice
The Code of Good Practice on Key Aspects of Disability in the Workplace states that "employers are responsible for providing reasonable accommodation during the recruitment and selection processes".

This requires employers to consider how and where posts are advertised as well as barriers that may be inherent within the hiring and selection processes.

Recruitment processes should focus expressly on identifying an employment candidate that meets the essential functions of the job, which should be clearly articulated in writing. Essential functions are the job tasks for which the job was created or the specific primary function(s) of the position in the business.

Often, employees perform duties that are not essential functions of the job, but may it a particular individual's skill set or interest. Or, perhaps, it's just a case of somebody needing to do a task so it falls into the routine of an existing employee. It is important to recognise that positions often include these 'extra' responsibilities for employees.

Once an employee is hired, additional tasks can be assigned as appropriate. However, unless the task is a requirement of the position it should be left out of the recruitment process because it may unknowingly disqualify an otherwise ideal person for the position. This should be reflected in the application as well as in advertisements or postings for the position.

FACT STATEMENT 6 : **Technical Assistance Guidelines**
The ***Technical Assistance Guidelines on the Employment of People with Disabilities*** advises employers to ensure all questions on a job application relate directly to the essential functions of the job. Personal questions or questions eliciting information that could potentially be alleged as discriminatory should be avoided. It is important that the same standards and criteria utilized through each step of the process apply to people with and without disabilities. It is unlawful to inquire if somebody has a disability from a previous employer or a third party. Furthermore, medical and psychometric testing is allowable only under very limited circumstances. It is not appropriate to make assumptions about a person's capabilities based upon a disability. If disability is disclosed, either directly or a disability is self-evident, it should be assumed the candidate is capable of performing the essential job functions unless it is proven otherwise. This is also true with "invisible" disabilities,

such as epilepsy.

If a disability is disclosed before the interview, employers are required to provide reasonable accommodation if necessary. Such accommodations may include:

- Ensuring a physically accessible room for the interview for a person with a physical disability.
- Conduct the interview in a room without flickering lights for a person with photosensitive epilepsy.
- If written information will be provided during the interview, provide enlarged print or required background colour for an interviewee with a visual impairment.
- Arrange seating during the interview so the interviewee is able to sit with his/her back to the window to minimise the impact of a visual impairment

The following example is what employers might be confronted with and the solution that might be implemented based on actual South African employment workplace experiences:

EXAMPLE SHEET 1 : Situations and Solutions.

Situation

A personnel agency had difficulty finding blind persons for positions in a technology company because print and other visual media did not work.

Solution

The national organisation with provincial links was contacted by the personnel agency to relay advertisements to blind persons using various media e.g. telephone, e-mail and their Braille magazines.

4.1.1 Interview process

Shortlisted applicants with disabilities must be guaranteed an interview at a location, which will be fully accessible.

When individuals are invited to come in for interviews, they must be provided with the opportunity to voluntarily disclose their requirements for accommodation during the interview and/or employment. Since the employer may not know if the short-listed candidate has any accommodation requirements for the

interview, creating an opportunity for voluntary disclosure of such needs should be something that is afforded to all potential interviewees.

Applicants with self-evident or disclosed disabilities must be given the opportunity to provide, in advance, information on their requirements during the interview.

The following are examples of situations that employers might be confronted with and the solutions that might be implemented based on actual South African employment workplace experiences:

EXAMPLE SHEET 2 : Situations and Solutions.

Situation 1

A person who is partially sighted attends an interview at a government department without prior disclosure of disability. At the interview, this person is required to sit on a chair facing windows without curtains and was unable to contend with the sunlight coming through. This person alerted the panel carrying out the interview of the disturbance the light was causing.

Solution 1

Arrangements were made for this person to sit facing away from the window.

Situation 2

A person who is deaf applied for a job at an organisation. The organisation was unable to afford the cost of an interpreter for the interview due to budgetary constraints.

Solution 2

The interviewer typed the questions on computer and the interviewee responded via the same medium.

4.1.2 Assessments or skills testing

Medical and psychological testing and other similar assessments should be free of bias and should not be discriminatory. If the assessment of certain skills is imperative, accommodation must be made for applicants with disabilities.

FACT STATEMENT 7 : **Conditional Job Offers**

a. If an applicant with a disability is suitably qualified, an employer may make a job offer conditional on medical or functional testing to determine an applicant's actual or potential ability to perform the essential functions of a specific job.

b. The testing must comply with the statutory requirements and should determine if the applicant is able to perform the essential functions of the job, with or without reasonable accommodation.

c. An employer may test applicants with disabilities for a specific job and not require all other applicants to undergo testing.

d. A conditional job offer may only be made to one person at a time, not to all applicants with disabilities that may have applied for the job.

e. The employer may withdraw the job offer if the testing shows that —

(i) Accommodation requirements would create unjustifiable hardship; or

(ii) There is an objective justification that relates to the inherent requirements of the job; or

(iii) There is an objective justification that relates to health and safety.

4.1.3 Placement and workplace diversity

Staff of an organisation must be sensitised and made aware of diversity in the workplace. The following are examples of situations that employers might be confronted with and the solutions that might be implemented based on actual South African employment workplace experiences:

EXAMPLE SHEET 3 : Situations and Solutions.

Situation

A person who is deaf is employed in a division of a company. Some employees in this division were not able to fully understand the difficulties faced by this person and were becoming frustrated with a shortfall in communication.

Solution

The management of this organisation arranged for all employees in this division to put synthetic wax into each of their ears for an entire day. Employees, although able to note and appreciate that they were able to remove the wax at the end of the day, were now able to have some empathy with their colleague who is deaf.

4.1.4 Health and Safety

According to the Occupational Health and Safety Act, the employer is obligated to provide and maintain a working environment that is safe to all employees and the needs of employees with disabilities must be included. As part of any ongoing health and safety audit, the needs of employees with disabilities must be included.

Evacuation procedures should take into account any specific or additional measures to ensure that an employee with a disability is safely evacuated from a building or work site during emergencies.

NOTE

Other aspects related to Health and Safety are discussed under the following –

- 2.1.2.3 Benefits of the PWD Facilities Assessment Tool
- 3.1.3.3 Integrating it with your Health and Safety System
- 6.1 Injury in the Workplace

4.2. TIPS FOR JOBSEEKERS WITH DISABILITIES

If you have a disability, you know it will more than likely affect a potential employer's attitude towards you. Even if your disability has no bearing on your ability to do the job, most employers will have some concerns. It is up to you to show prospective employers that, despite your disability, you are suitably qualified for the job.

TIP SHEET 1: **Tips when searching for a job**

16 tips to keep in mind when searching for work.

1. Use a variety of job-seeking techniques
2. Research prospective employers
3. Role-play
4. Know your own capabilities and limitations, what the job you want entails, what you can contribute to the job, and how to present yourself in the most positive manner
5. Prepare well for the interview
6. Find out where the company is situated well in advance
7. Dress appropriately
8. Arrive 15 minutes earlier
9. Confidence is everything
10. Know what technologies can help you work effectively; how much they cost and where it can be obtained
11. Decide when to disclose your disability
12. Make the interview easy for the employer
13. There are several types of employment interviews. Being familiar with each type will enable you to better prepare yourself for the interview
14. Be honest
15. Know your rights and familiarise yourself with current legislation.
16. Don’t let past failures affect you negatively.

FACT STATEMENT 8 : **What the Job Seeker needs to do**

People with disabilities should:

- Know and describe what accommodation would be required to participate effectively and equitably in the recruitment process
- Ask for a description of the inherent requirements and/or essential functions of the job if it was not clear in the advert
- Know that it is their choice to disclose their disability in the application process
- Inform the employer of the type of accommodation they may require in the interview, without disclosing detailed information regarding the nature, degree or severity of the disability
- Not have to answer questions related to the nature of their disability in the interview

  Example: "How much can you see?"

  Example: "When and how did you become disabled?"
- Know that the employer may however ask questions such as "How will the inherent requirements or essential functions of the job be performed?"

  Example: "As a researcher you would have to do a lot of reading and writing – how do you intend to achieve this requirement?"
- Know that they don't have to discuss any accommodation in detail, which is required to perform the inherent requirements of the job, until the employer has made a conditional job offer in writing.

CHAPTER 5

WORKING ENVIRONMENT FOR PEOPLE WITH DISABILITIES

5.1. PLACEMENT

5.1.1 Orientation and initial training

Placement is the process through which the person with a disability is appointed to a job within an organisation. The employer on its own and/or with the assistance of an external placement agency can manage and facilitate the placement process.

FACT STATEMENT 9 : **Rules to adhere to during placement**

Assignment

An individual with a disability should not, because of a disability, be assigned to a job with less favourable conditions than that of an able–bodied colleague.

Job classification

An employer may not limit, segregate, or classify an individual with a disability in any way that negatively affects the individual in terms of job opportunity and advancement.

Compensation

Rates of pay or any other form of compensation must be the same as that of the able-bodied colleague(s).

Training

The placement of people with disabilities into the workplace must be followed by comprehensive orientation and induction training that must include disability sensitisation training. Very few people have had the opportunity to work with people with disabilities. Therefore, they might perceive the new team member with a disability as being different.

Being different can be difficult, and for the sake of business, it is essential that the new employment relationship deals with prejudices and stereotypes, which might exist. The induction training is therefore an opportunity to guarantee that all the stakeholders are given the skills to succeed in this new relationship, which must be based on mutual, respect, understanding and trust.

5.1.2 Induction training for employees with disabilities

The induction-training programme must be accessible and make provision for reasonable accommodation. The aim of the induction-training programme must enable the employee to reach productivity standards more rapidly.

It must provide the employee with enough information to understand what is expected and how the tasks must be performed. It must make a positive contribution towards reducing staff turnover during the early stages of employment. It must assist in creating a positive attitude towards the employer.

EXAMPLE SHEET 4: Induction programme examples.

Checklist:

- Inform the people who need to know about the appointment and make sure that arrangements have been made for someone to meet the new employee.
- Arrange for reasonable accommodation in order to ensure that the training material is accessible to all employees.
- The employer needs to consult with the employee on what type of reasonable accommodation might be needed during the induction training.

Example 1

An employee who is blind arriving on the first day might request a professional to assist with workplace orientation training.

The employer needs to arrange for a professional person to do workplace orientation training to familiarise the new employee with the environment.

Example 2

An employee who is deaf might request a sign-language interpreter to be present during the induction training.

The employer needs to arrange for a sign-language interpreter to assist the employee during the induction training since this will directly impact on the employee's productivity.

Example 3

The new employee who has a mental disability might need to have certain concepts simplified or repeated.

The employer must reasonably accommodate this request by e.g. providing individualised training.

Example 4

An employee who has a visual impairment might need reading materials to be available in large font.

The employer must reasonably accommodate this request. Brief someone to act as a guide and mentor during the first few weeks to accompany the new recruit to lunch breaks and, perhaps, answer informal queries.

The induction-training programme should not exclude any new recruit on the basis of disability and should address the following:

- An overview of policy and procedures
- Compensation and fringe benefits
- Safety regulations
- Labour relations
- Facilities
- Functions of the department/section
- Tasks and responsibilities
- Policy procedures, rules and regulations
- Viewing of the workplace
- Introduction to employees
- Accessibility to all people with disabilities
- Braille and large font(s) for persons with visual impairments, physical access for people on wheelchairs, and simple, repetitiveness and certain other adaptations for people with a mental disability.

5.2. THE WORK ENVIRONMENT

It is the workplace environment that most people think about when applying reasonable accommodation. There are many different forms that reasonable accommodation can take because every person with a disability and each workplace is different. The work environment includes physical structures and processes that require consideration.

TIP SHEET 2: Tips when lookin at the working environment

The first thing to consider when providing reasonable accommodation for a new or current employee is to consult the employee directly. The employee may be able to offer invaluable information regarding:

- specific barriers to job tasks;
- accommodations that have and have not worked in the past; and
- additional information that will assist in best identifying appropriate support.

Any reasonable accommodation provided should be based upon the following factors:

- the job tasks to be performed;
- the type of barrier prohibiting the person from performing the task; and
- accommodations that have worked previously for the individual.

An accommodation should not be provided:

- without consulting the person with the disability; or
- based exclusively on a diagnosis.

There are a variety of sources that can assist in supplying additional information to determine the most suitable reasonable accommodation. Additional resources are available through professional organisations and Non-Governmental Organisations, other Disabled People's Organisations. They can assist with identifying and implementing the most appropriate accommodation though the use of various tools such as:

- job description analysis;
- task analysis;
- workplace environment analysis; and
- accessibility audit.

NOTE: The Self Assessment Tool provided with the Toolkit allows you to look at the facilities for disabled persons

5.3. KEY ASPECTS TO REASONABLE ACCOMMODATION

FACT STATEMENT 10 : Is Reasonable Accommodation defined

The Employment Equity Act of SA: 1998 defines reasonable accommodation

"Accommodation, which is a modification or an alteration to the way a job is normally performed, should make it possible for a suitably qualified person with a disability to perform any task as everyone else. The type of reasonable accommodation required would depend on the job and its essential functions, the work environment and the person's specific impairment".

FACT STATEMENT 11 : Are there Acts and Codes that cover the aspect of Reasonable Accommodation.

Promotion of Equality and the Prevention of Unfair Discrimination Act (PEPUDA)

The Promotion of Equality and the Prevention of Unfair Discrimination Act (PEPUDA), 2000 deals with the prevention, prohibition and elimination of unfair discrimination, hate speech and harassment of all individuals in the workplace including people with disabilities.

Basic Conditions of Employment Amendment Act in support of the Labour Relations Act (LRA)

The Basic Conditions of Employment Amendment Act, was developed to enhance the LRA. It establishes and makes provision for the regulation of the Basic Conditions of Employment, and also complies with the obligations of the Republic as a member state of the International Labour Organisation to provide for matters connected therewith. The same conditions are applicable for people with disabilities.

Code of Good Practice on the Employment of Persons with Disabilities

The Code of Good Practice on the Employment of Persons with Disabilities supports the promotion of equal opportunities and fair treatment for people with disabilities as required by the Employment Equity Act. The Code is intended to help employers and employees understand their rights / obligations and promotes certainty in order to reduce disputes to ensure that people with disabilities can enjoy and exercise their rights at work. The Code also helps create awareness of the contributions people with disabilities can make.

Technical Assistance Guidelines

The Technical Assistance Guidelines on the Employment of People with Disabilities (TAG), produced in 2004, is intended to complement the Code published in August 2002 to assist with the practical implementation of aspects of the Act relating to the employment of people with disabilities in the workplace.

Building Standards Act incorporating the National Building Regulations and SABS Code of Practice

The Building Standards Act No. 103 of 1977, last amended in 1989, is an enabling Act under which the National Building Regulations are made. The National Building Regulations were developed by the Minister of Public Works in terms of Section 17(1) of the Building Standards Act, aiming to ensure that buildings are designed and built to be safe, healthy and convenient for users. Buildings must have visual signs to improve access.

(This has been built into the Self Assessment Tool as part of the PWD Toolkit)

FACT STATEMENT 12: Obligations.

- The obligation to make reasonable accommodation may arise when an applicant or employee voluntarily discloses a disability related accommodation need or when such a need is reasonably self-evident to the employer.
- Employers must also accommodate employees when work or the work environment changes or impairment varies which affects the employee's ability to perform the essential functions of the job. The employer should consult the employee and, where practicable, technical experts to establish appropriate mechanisms to accommodate the employee.
- The particular accommodation will depend on the individual, the impairment and its effect on the person, as well as on the job and the working environment.
- Reasonable accommodation may be temporary or permanent, depending on the nature and extent of the disability.

EXAMPLE SHEET 5: Reasonable Accommodation Examples.

- adapting existing facilities to make them accessible;
- adapting existing equipment or acquiring new equipment including computer hardware and software;
- re-organising work stations;
- changing training and assessment materials and systems;
- restructuring jobs so that non-essential functions are re-assigned;
- adjusting working time and leave;
- providing readers, sign language interpreters, and
- providing specialised supervision, training and support.

A company requires reasonable accommodation in at least three aspects of employment (note that the following is a partial list of examples and is not intended to be considered complete):

5.3.1 To ensure equal opportunity in the application process

- Providing applications in large print, computer disk or other alternative formats
- Relocate any tests to an accessible area if needed
- Allow someone to assist the applicant to complete the necessary forms
- Allow the application to be taken home
- Allow interpreter / facilitator for people with hearing disabilities

5.3.2 To enable a qualified individual with a disability to perform the essential functions of a job

- Change work hours or schedules: i.e. allowing a diabetic employee to take regular meal breaks during a shift
- Modifications of job tasks: i.e. allowing a blind office worker to substitute transcription and duplicating duties for proofreading and filing
- Division of tasks among employees: i.e. allowing a bookkeeper who is deaf to trade phone duties with another employee in exchange for filing duties
- Provide large-button touch-tone telephone for someone who has low vision or poor hand coordination

5.3.3 To enable an employee with a disability to enjoy benefits and privileges of employment

- Pathway to work: remove shrubbery and signs that obstruct walkways
- Provide accessible break away rooms, lunch rooms and training rooms, with proper signage
- At the workstation, lowering shelves or raising the desk
- Replace small knobs and switches with larger, easier-to-grasp handles
- Install Braille or large, raise lettered directional signs and elevator controls
- Reserve extra-wide parking spaces near building entrances

5.4. UNIVERSAL DESIGN

FACT STATEMENT 13: What does Universal Design mean
Universal Design refers to design practices that are based upon aesthetics, or pleasing appearance, as well as accessibility to the broadest extent possible. It takes into account the fact that individuals have varying needs and incorporates that depth of variety into design elements so that children, pregnant mothers, the elderly, adults with babies and people with disabilities are all accommodated within the architectural design

One of the most recognised elements of Universal Design is the "curb cut" or the "dropped curb" that makes it easier for children's strollers, wheelchairs and others with physical impairments to cross the street. The same theoretical principles are now being applied throughout the world in various sectors, including technology and instruction.

Universal Design for Learning (UDL) is supported by scientific evidence of the different learning processes in the human brain. The National Skills Development Strategy specifically identifies the workplace as a "place of learning" and establishes an increased focus on worksites as being an important location for skills development and training.

Learnerships and other training models currently incorporate workplace learning into the curriculum. It is therefore prudent for businesses to consider the most efficient and effective strategies to train both learners and employees to ensure the greatest return on investment for the time, energy and resources spent on training.

NOTE: The Self Assessment Tool provided with the Toolkit allows you to look at the facilities for disabled persons as it addresses "Universal Design" principles within the criteria

5.5. UNJUSTIFIABLE HARDSHIP

FACT STATEMENT 14 : Unjustifiable Hardship defined
According to Paragraph 6.12 of the Code "Unjustifiable hardship' is action that requires significant or considerable difficulty or expense. This involves considering, amongst other things, the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the business."

The failure to provide reasonable accommodation may, or may not, be interpreted as discrimination. South Africa has a variety of policies that prohibit discrimination. Because discrimination is a serious offense, it is important for employees and employers to understand the expectations of the law and work in collaboration to avoid allegations of discrimination.

The laws not only protect individuals from discrimination, they also exist to protect employers and ensure there is a balance of fairness in the workplace. However, various court decisions support the legal requirements of employers to provide reasonable accommodation, and, if not, to provide comprehensive evidence of unjustifiable hardship.

An employer is required to provide reasonable accommodation unless it is an "unjustifiable hardship". Therefore it is important to understand what constitutes an unjustifiable hardship. Only activities which require "significant or considerable difficulty or expense and that would substantially harm the viability of the enterprise" including "the extent to which it would seriously disrupt the operation of the business" are considered unjustifiable hardship.

Financial expense or inconvenience is not unjustifiable hardship, although cost may be one consideration in determining the most suitable reasonable accommodation. In fact, the Code of Good Practice on the Employment of People with Disabilities encourages employers to seek the most cost-effective means to provide reasonable accommodation. Identifying reasonable accommodation that limits financial expense but provides the same impact as far as eliminating a specific barrier to employment may be acceptable. However, failing to provide reasonable accommodation based solely on expense may not fulfill the criteria for unjustifiable hardship.

The decision whether or not to provide reasonable accommodation can also depend upon the extent to which providing the reasonable accommodation would disrupt vital business operations. Therefore, if the reasonable accommodation can be proven to significantly disrupt operations then the provision may be considered an unjustifiable hardship. However, if reasonable accommodation is denied, the business has the burden of proof to demonstrate how it would substantially harm the enterprise.

It is important to note that "unjustifiable hardship" is relative and contextual and therefore will not be the same for every firm. Decisions about reasonable accommodation that applied to one employee can not be applied in general throughout the business because each case must be judged individually.

** Significantly, "unjustifiable hardship" is considered to be a more rigorous standard than "undue hardship." According to the Department of Labour, this more rigorous standard is necessitated by South Africa's history of providing so little employment and accommodations for people with disabilities. The South African Code thus encourages employers to make more effort to reduce and eliminate discrimination and/or promote affirmative action. **

CHAPTER 6

RETENTION PRACTICES

6.1. INJURY IN THE WORKPLACE

Workers must refer disputes about unfair discrimination to the CCMA in writing within six months of its occurrence.

HEALTH AND SAFETY

Ensure that the organisations Health and Safety scope considers disabled workers in the following areas :

- New and / or amended job tasks
- Audits (can include the Facilities Assessment Tool provided within this toolkit)
- Updates to training , job tasks and risks

According to the Occupational Health and Safety Act, the employer is obligated to provide and maintain a working environment that is safe to all employees and the needs of employees with disabilities must be included. As part of any ongoing health and safety audit, the needs of employees with disabilities must be included.

Evacuation procedures should take into account any specific or additional measures to ensure that an employee with a disability is safely evacuated from a building or work site during emergencies.

FACT STATEMENT 15: What covers me if I get injured during employment
The Employment Equity Act (55/1998): Code of Good Practice: Key Aspects on the Employment of People with Disabilities. Describes the steps and responsibilities in this regard

An employee who become **disabled during employment** should, where reasonable be re-integrated into work. Employers should seek to minimize the impact of the disability on employees.

If an employee becomes disabled, the employer should **consult** the employee to assess if the disability can be **reasonably accommodated.**

If an employee becomes disabled, the employer should maintain contact with the employee and where reasonable encourage **early return-to-work.** This may require vocational rehabilitation, transitional work programmes and where appropriate, temporary or permanent flexible working time.

If an employee is **frequently absent** from work for reasons of illness or injury, the employer should consult the employee to assess if the reason for absence is a disability that requires reasonable accommodation.

If reasonable, employers should explore the possibility of offering **alternative work,** reduced work or flexible work placement, so that employees are not compelled or encouraged to terminate their employment.

If the employer is **unable** to retain the employee in employment, then the employer may terminate the employment relationship.

When employees who have disabilities are dismissed for **operational requirements,** the employer should ensure that any selection criteria used do not either directly or indirectly unfairly discriminate against people with disabilities.

Employers who provide **disability benefits** should ensure that employees are appropriately advised before they apply for the benefits available and before resigning from employment because of a medical condition.

Employers **should assist** employees whose disability arose from a work related illness or accident, to receive the relevant statutory compensation, including compensation from the Compensation Fund and the Unemployment Insurance Fund.

TERMINATION OF EMPLOYMENT

If an employee becomes disabled, the individual should be consulted to assess how the disability can be accommodated, if at all possible. After all avenues have been exhausted to make necessary accommodation adjustments, redeployment or termination of employment may be the only alternative. Before any termination decisions are made, appropriate alternative employment should be explored. If the employee cannot be accommodated and there is no alternative employment available, the employment relationship can be terminated, in line with fair procedure.

An employer may not retain an employee that becomes incapacitated or disabled, or recruit a person with a disability on less favourable terms than other employees performing the same work.

CONFIDENTIALITY AND DISCLOSURE

- Employee information must remain confidential
- Any information related to the disability may not be disclosed, without the employee's written permission
- If a person with a disability needs to be accommodated and the disability is not self-evident, the employer may require any employee to disclose sufficient information to confirm the disability or reasonable accommodation needs

DEVELOPING SOLUTIONS

One of the biggest constraints employers find when trying to employ a person with a disability is the employers own lack of knowledge of disabilities. For this reason, they are often reluctant to employ people with disabilities. Expert advice and information is readily available.

The real expert on an individual's disability-related needs and the practical solutions required to meet them is the person with the disability.

Employers often fail to engage with the employee adequately so as to be able to develop practical solutions. Open and frank engagement will assist the employer to understand the needs and possible solutions.

6.2. OTHER RETENTION PRACTICES

Retaining persons with disabilities is no different from retaining any other employees. In order to retain persons with disabilities, employers need to eliminate stereotypes and prejudices in the workplace with respect to persons with disabilities. Ensure that the incumbent feels valued as a useful team member.

EXAMPLE OF GOOD PRACTICE FOR THE RETENTION OF DEAF OR HARD-OF-HEARING STAFF MEMBERS

The following example of good practice in retaining an employee who is deaf or hard-of-hearing illustrates some of the practices that should be followed. Some of these practices can be applied to other disabilities. Certain minor adjustments may need to be made to integrate these individuals into the workplace.

ONE-ON-ONE COMMUNICATION

- Ask deaf or hard-of-hearing employees how they prefer to communicate, for example, via e-mail, instant messaging, speech reading, writing, demonstration, etc
- Maintain eye contact
- Explain the topic of the conversation and do so again when the topic changes
- Do not hesitate to ask questions if communication is not clear
- Encourage deaf or hard-of-hearing employees to ask questions if communication is unclear
- Be prepared to repeat and rephrase information
- Be patient
- Have pencil and paper available and use them if necessary to communicate
- Ask deaf or hard-of-hearing employees to review key points of the conversation to ensure understanding
- Reduce environmental distractions, such as background noise and movement
- Position yourself in appropriate lighting so that the candidate can lip-read or see the signing

DURING A MEETING

- Ensure that one person speaks at a time
- Do not pace around the room while giving a presentation
- Speak clearly and slowly
- Do not talk with your back to the audience while writing on a blackboard

AFTER A MEETING

- Take minutes or notes taken for future reference
- Review critical issues introduced in a meeting to ensure understanding

EQUIPMENT

- Where appropriate, use visual aids, demonstrations, flip charts,
- written agendas, and hand outs in presentations

NEW EMPLOYEE ORIENTATION

- Provide name tags, including job titles, for everyone
- If necessary, hire an interpreter
- Provide an organisational chart
- Provide deaf or hard-of-hearing employees with information to read before orientation
- If available, use captioned films or videotapes

ON-THE-JOB

- Ask the person how best to attract their attention
- Use signalling equipment for incoming calls
- Use hands-on demonstrations to assist in training
- Allow extra time for communication when training
- Provide an outline of the training session

- Assign a mentor to work directly with deaf or hard-of-hearing employees during the training period
- Share informal information
- Be sure to include deaf or hard-of-hearing employees in conversations, work break activities and social events
- Use a buddy system to alert deaf or hard-of-hearing employees of emergency situations
- Install flashing lights to work in conjunction with auditory alarms
- Review safety procedures, including exits and alarms
- Use texting, e-mail or a pager to contact deaf or hard-of-hearing employees in the event of an emergency
- Notify security if deaf or hard-of-hearing employees are alone in work areas

REASONABLE ACCOMMODATION

A variety of workplace assistive devices are available for employees, who are hard-of-hearing, or who use hearing aids.

INTERPRETERS

Depending on the deaf employee's preference, it may be helpful to hire an interpreter for occasions when communication is critical or lengthy, such as during interviews, staff meetings, performance appraisals and training. Interpreters facilitate communication in a variety of ways using voice and sign language.

WORKING WITH AN INTERPRETER

- If possible, meet with the interpreter before the programme to explain what will be covered
- As you can imagine, interpreters work a few words behind the speaker and will need time to finish sentences. Speak in normal tones, complete sentences and use steady pacing and enunciation
- Speak to deaf employees directly, and not to their interpreter

- Relay services, include telephone relay systems, which an assist deaf and hearing colleagues communicate over the telephone by providing a simultaneous, three-way communication among a deaf person, a communication assistant and another person

DEBRIEFING

Debriefing is a strategy that involves a one-on-one meeting with deaf employees after meetings and other presentations to ensure that everything is clear.

TECHNOLOGY SOLUTIONS

Captioning is a process of converting the audio portion (dialogue and sounds) of a video production into text. Text is typically displayed across the bottom of the screen over a black background. One form of captioning is real-time captioning. This can occur during a live event or large meeting. During filming, a captionist types the words into a computer which displays the speakers' words across the bottom of a video screen. If the captionist is at another location, the captionist hears the spoken words via telephone and types and transmits the text back on another phone line where it is converted into words which are fed to the video screen. Computers can facilitate communication in the workplace in a variety of ways:

- Instant messaging allows users to exchange text messages online in real time
- E-mail allows users to send and receive messages online, but not in real time
- C-print is a computer assisted system for transcribing speech to print. It involves a hearing captionist typing words as they are being spoken and provides a real time text display that the deaf person can read
- Speech synthesisers provide synthesised voice output of letters, phonemes, words, or phrases typed on a keyboard
- Automatic speech recognition transcribes a single person's spoken message, voiced into a microphone, into text displayed on a computer screen
- Computer-assisted note taking allows notes and graphics to be typed almost simultaneously and displayed with overhead projectors for all to view
- Assistive Listening Systems (ALS) are helpful for people who have difficulty hearing in large groups, at a distance, or in noisy environments:

- A telephone amplifier enables some deaf and hard-of-hearing people to use the telephone by increasing the volume of the phone

- An induction loop is a wire circling a given area connected to an amplifier and the speaker's microphone. These are often used in meeting and presentation rooms

- Other environmental accommodation adjustments might include:

    - Changing / adding lighting to enhance visibility
    - Blocking out extraneous noise to eliminate disturbances
    - Posting directional and safety signs as well as room numbers
    - Adding vision panels to doors and walls to improve lines of sight
    - Using round or oval tables for group discussions

- Installing convex mirrors to allow pedestrians to see what is coming down hidden corridors

CHAPTER 7

FINANCIAL AND GRANT BENEFITS FOR PEOPLE WITH DISABILITIES

7.1. GOVERNMENT GRANTS AND TAX INCENTIVES

7.1.1 Grant for Disabilities

To date, a total of 981 331 persons in South Africa with disability get a disability grant. 122 153 children with disabilities receive a care dependency grant to assist their care givers to look after them. 248 589 persons with temporary disability receive a temporary disability grant.

FACT STATEMENT 16 :	Does the South African government provide social security for citizens in the form of grants

Yes.

Social assistance is provided in the form of social grants from government through the South African Social Security Agency (SASSA)

Disability Grant

The applicant:

- Must be a South African citizen /permanent resident
- Must be resident in South Africa
- Must be 18 to 59 years of age
- Must submit a medical / assessment report confirming disability
- Medical assessment must not be older than three months at date of application
- Must meet the requirements of the means test
- Must not be maintained or cared for in a State Institution
- Must not be in receipt of another social grant in respect of her/himself

7.1.2 Work Injuries

Work injuries are divided into four categories:

(i) permanent total incapacity

(ii) permanent partial incapacity

(iii) temporary incapacity and

(iv) fatal injury leading to death of a worker.

Permanent incapacity/disability, benefit is 75% of an insured worker's earnings. If the assessed degree of disability is between 30-100%, a percentage of total disability pension is paid according to the assessed degree

of disability. If the assessed degree of disability is less than 30%, worker is entitled to a lump sum of 15 times average monthly earnings.

Temporary disability, 75% of worker's monthly average salary is paid for 12 months. This can be extended to a maximum of 24 months in special cases.

Fatal injury, dependents (widow/widower, children) receive survivors' pension. 40% of the permanent total disability pension a deceased worker would have received, if assessed with permanent total disability, is paid to the widow/widower with permanent disability. This pension does not cease on marriage. 20% of the permanent total disability pension a deceased worker was entitled to receive is paid for each unmarried orphan younger than 18 years. No age limit for disabled children. Law also provides for funeral grant.

7.1.3 Personal Tax Deductions in respect of Medical Expenses for People with Disabilities

There are a number of income tax benefits payable to disabled people. Disabled persons may cite such benefits when interacting with employers or potential employers.

In terms of the Income Tax Act, 1962 (Act 58 of 1962), Chapter II: The Taxes, Part I: Normal Tax, Section 18. Deduction in respect of medical and dental expenses there are a number of deductions disabled people may take advantage of, such as any medical or dental expenditure (other than expenditure recoverable by the taxpayer or his spouse) necessarily incurred and paid by the taxpayer in consequence of any physical disability suffered by the taxpayer, his spouse or child or stepchild.

This would include the disabled person's medical aid contribution and any devices purchased in order to improve performance (this is known as 'Reasonable Accommodation').

Please see an example below of how deductions may be calculated:

Description	Amount Non-Disabled Employee	Amount Disabled Employee
Salary	100 000	100 000
Allowable contribution to pension	(7 500)	(7 500)
Taxable amount of salary	92 500	92 500
Medical Aid	0	(18 000)

Description	Amount Non-Disabled Employee	Amount Disabled Employee
Reasonable accommodation (compensation for disability) paid by employee	0	(35 000)
Taxable Income	92 500	40 000
25% tax rate on first 12 500 (of total salary of 92 500) 18% tax rate on remaining 80 000	12 500 * 25% tax rate = 3 125 80 000 * 18% tax rate = 14 400 Total tax to be paid = 17 525	0

7.2. CHIETA INCENTIVES

NEED DETAILS FROM CHIETA

TABLE 1 – Acronyms

ABET	Adult Basic Education and Training
ALS	Amyotrophic Lateral Sclerosis
ALS	Assistive Listening Systems
ATR	Annual Training Report
B-BBEE	Broad-Based Black Economic Empowerment
BCEA	Basic Conditions of Employment Act of 1997
CCMA	Commission for Conciliation, Mediation and Arbitration
CEO	Chief Executive Officer
CSRI	Corporate Social Responsibility Initiatives
CSIR	Council for Scientific and Industrial Research
DTI	Department of Trade and Industry
EE	Employment Equity
EEA	Employment Equity Act of 1998
EEP	Employment Equity Plan
JAWS	Job Access With Speech
LL	Lifelong Learning
LRA	Labour Relations Act of 1995
MS	Multiple Sclerosis
NGO	Non-Governmental Organisation
NQF	National Qualifications Framework
NSDS	National Skills Development Strategy
OHSA	Occupational Health and Safety Act of 1993
PAYE	Pay-As-You-Earn
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act of 2000
PTSD	Post-Traumatic Stress Disorder
SARS	South African Revenue Service
SDL	Skills Development Levy

TABLE 2 – Definitions

Assistive Devices	An assistive device is any tool, device or ergonomic solution capable of reducing the impact or limitations of disability on an individual e.g. a hearing aid for people with hearing impairments or a wheelchair for a mobility impaired person.
Capacity Building	This is the development of the capacity of people with disabilities to participate more effectively in: • their communities, • the workplace, and • the society as a whole Capacity building ensures the provision of opportunities for people with disabilities to obtain the highest possible educational and vocational qualifications.
Commuting Area	The defined geographic area in which people live and from which they reasonably can be expected to travel to and from on a daily basis for employment purposes.
Decision Makers	Individuals responsible for making decisions in the workplace which include employers, employees, trade unions and government.
Disability	A disability is a condition or function judged to be significantly impaired compared to the usual standard of an individual or group.
Disabled People's Organisations (DPOs)	This are organisations that are run and managed by persons with disabilities. Disabled people's organisations play a vital role in the human resource development of people with disabilities. DPOs have proven effective in getting people out of their homes and back rooms into social groups that often embark on informal income generation activities. This enables people to develop a sense of self-worth and equips them with a wide range of skills and experiences. Some examples of DPOs are Disabled People South Africa (DPSA), and Quadraplegic Association of South Africa (QASA)
Disability Movement	A disability movement refers to an organised environment representing people with disabilities. The disability movement is a civil rights movement consisting of organisations of and for people with disabilities. The disability movement fights for the equal opportunities and human rights for people with disabilities.
Essential Job Function	A duty so fundamental to a position that an employee cannot do the job without being able to perform it. The manager or supervisor may consider a job function essential for any of several reasons, including, but not limited to:

	• The position existing primarily for a function to be performed • The function being specialised and the employee being hired for the ability to perform the function • The function being required because work cannot be assigned to another employee.
Exclusion	Exclusion refers to situations where people with disabilities are left out from participating in society's mainstream and are subject to special organisations and means. Exclusion is further defined as all the situations where people with disabilities are excluded from "the ordinary" and put in special categories for which special rules and regulations are made. In short exclusion is the negation of inclusion. Exclusion also means that the systems prevent people from participating, these are deliberately separated or segregated from the rest of society into a special place such as a school.
Human Rights	Human rights refer to a set of basic rights that everyone must hold, must respect and work to fulfil. They are God-given, non-negotiable, and unconditional.
Impairment	Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine, or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.
Inclusion	Inclusion is when all perspectives relevant for persons with disabilities are considered within the relevant sphere of society. In the context of education, inclusion is about recognising and respecting the differences among all learners and building on the similarities. It is about supporting all learners, educators and the system as a whole so that the full range of learning needs can be met. The focus is on teaching and learning factors, with the emphasis on the development of good teaching strategies that will be of benefit to all learners. Inclusion focuses on overcoming barriers in the system that prevent it from meeting the full range of learning needs. The focus is on the adaptation of support systems and their availability in the learning environment.
Integration	Integration refers to a process that brings people with and without disabilities together in shared physical settings such as school or other social or community undertakings where meaningful social interactions can be fostered to ensure that people not only live in but are also members of their respective communities.

Lifelong Learning	Lifelong learning is the continuous building of skills and knowledge throughout the life of an individual. It occurs through experiences encountered in the course of a lifetime. These experiences could be formal training, counseling, tutoring, mentorship, apprenticeship, higher education or informal work or other learning experience.
People with Disabilities	The most preferred term used in reference to people with disabilities. Other terms used include people living with disabilities, people who are differently abled, the disabled, etc. The disability activists favour the person as first language. "People with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others" *(Technical Assistance Guidelines 2004).*
Person with a Disability	"An individual whose prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment".*(ILO Convention 159).*
Positive Action	Employees with disabilities should be given the right to take part in continuous development programmes, be included in training programmes on new technologies, and to be allowed training on paid educational leave on an equitable basis.
Personnel Training	The training of personnel in order to create awareness of disability so that they may understand disability and its implications in the workplace.
Protective or Sheltered Employment	Protective or sheltered employment includes: sheltered or protective workshops, and protected work environments within ordinary places of work. Employment opportunities within a sheltered environment should be available to people who, because of their disability, are unable to obtain or keep an ordinary job, whether supported or not. A distinction should be drawn between vocational training centres and sheltered employment. Sheltered employment should always aim to prepare workers, as far as possible, for work in the open labour market. Subsidies should be linked to mechanisms that will ensure: 1. Appropriate placement, 2. The legal status of workers, types of work, working hours and wages, 3. The availability of medical, social and psychological assistance to workers,

	4. Special training and checks on workers' progress with a view to their possible settlement in an ordinary working environment. Whatever the nature of the protected or sheltered workshop, all reasonable measures must be taken to ensure that: Workers with disabilities receive satisfactory remuneration in relation to the type of work performed and that this remuneration compares well with wages in open sector.
Reasonable Accommodation	The Employment Equity Act of SA: 1998 defines reasonable accommodation "Accommodation, which is a modification or an alteration to the way a job is normally performed, should make it possible for a suitably qualified person with a disability to perform any task as everyone else. The type of reasonable accommodation required would depend on the job and its essential functions, the work environment and the person's specific impairment".
Skills Development for People with Disabilities	The focus on skills development for people with disabilities should be the deepening of their specialised capabilities so that they are able to access income through formal sector jobs, through SMMEs or community projects. The aim should be to promote continuous learning and adaptation to the constantly changing environment. Adult Basic Education and Training programmes should be linked to skills development training. People with disabilities need to be targeted for learning programmes developed by SETAs. This may require adjustments to the built environment and the acquisition of specialised equipment and technology for training and assessment. Rehabilitation of workers can play an important role in facilitating the accommodation of people with disabilities in learning programmes within the open labour market.
Social Welfare and Community Development	The social worker's office is a key access point to the service-delivery system for a large percentage of people with disabilities. Unfortunately, the fragmented nature of the service-delivery system often leads to a lack of effective referral to other sectors. This means that the social welfare system has to deal with education, employment, transport and housing related issues. Changing the way people regard disability from a purely health and welfare issue to a primarily human rights and development issue has significant implications for the principles, objectives and goals of existing welfare services. It implies that welfare services need to be designed to facilitate independence in society, rather than dependence on welfare services.

Training Standards	It is acknowledged that, in order to accommodate the specific training needs of disabled learners, standards of training modules, course contents, trade tests and certification might differ slightly from standards applied in the general vocational training system. These deviations should, however, be integrated into the NQF to ensure accessibility, compatibility and lifelong learning and training.
Universal Access	Universal access means the removal of cultural, physical, social and other barriers that prevent people with disabilities from entering, using or benefiting from the various systems of society that are available to other citizens. Simply put, this means that any design should cater for all without introducing new stigma.
Vocational Rehabilitation	Vocational rehabilitation is an essential component in a national HRD strategy. Vocational rehabilitation includes vocational guidance, vocational training and selective placement. Its focus should be the transformation of mainstream vocational training services to provide more accessible and inclusive training for people with disabilities. This should include the making available of the necessary support services.
Workmen's Compensation Fund	The Workmen's Compensation Fund compensates workers that become disabled as a result of an accident that occurs at work. The benefits which they receive seldom meets their basic needs and usually does not compensate for the loss of employment. It provides limited future employment prospects. The approval of funds for disability related costs tends to be inconsistent and it often relies on the goodwill of organisations.

TABLE 3 – Terminology

Appropriate Terminology	Inappropriate Terminology
- Able bodied - People without disabilities - Persons or people with disabilities - Person with epilepsy - Person with paraplegia - Person with short stature - Person with down syndrome - People with physical disabilities - People who are wheelchair users - People who are blind - People who are deaf - People who have visual impairments - People who have hearing impairments - People who have intellectual disabilities - People who have mental disabilities - People with albinism	- Abnormal person - Abnormal person - Albinos - Crippled - Deaf / Deaf mute - Deformed - Differently abled - Disabled parking - Disabled toilet - Dumb - Dwarf / Midget - Handicapped - Insane - Invalid - Mad person - Mentally challenged - Mentally retarded - Mongol / Mongoloid - Paraplegic - Physically challenged - Quadraplegic - Retard / Retarded - Spastic - Special person

TABLE 4 – Models

Medical model	In the medical model, disability is defined from a medical perspective. People with disabilities, especially those with the same impairment, are lumped together, all viewed in terms of their impairment as passive, helpless, tragic victims and not as ordinary human beings.
Charity model	This model takes the approach that people with disabilities are to be pitied and helped. There is no recognition of equal rights or the role that discrimination plays.
Social model	This model takes the approach to disability as the social consequence of having impairment. The inequities faced by people with disabilities can only be overcome if the structure of society is changed. According to disability, activists have conceptualised a social model of disability, which sees disability not as something to do with the individual, but rather as something to do with society, for example barriers to full participation in society, erected against people with disabilities by society can be attitudinal, material, physical, economic, social, cultural or political.

TABLE 5 – Etiquette

It is important to use language that focuses on people, rather than on disabilities and to shift our thinking to focus on abilities and what people can do. The following preferred words and phrases will help you choose language that is neither demeaning nor hurtful.

Instead of	Please use
Afflicted by a disease or condition (e.g. cerebral palsy, multiple sclerosis, arthritis, etc.) Victim of/suffers from/ stricken with cerebral palsy, multiple sclerosis, arthritis, etc.	Person who has _____ Person with a disability
Aged (the) Elderly (the)	Seniors, Older adults
Autistic	A person with autism A person who has autism
Birth defect, congenital defect, deformity	A person who has a congenital disability A person with a disability since birth
Blind (the), visually impaired (the)	A person who is blind A person with a vision disability A person with vision loss A person with a visual impairment A person with low vision
Brain damaged	A person with a brain injury A person with a head injury
Confined to a wheelchair, wheelchair bound	A person who uses a wheelchair
Crazy, insane, lunatic, psycho, mental, metal patient, maniac, neurotic, psychotic, unsound mind, schizophrenic	A person with a mental health disability A person who has depression A person with schizophrenia
Cripple, crippled, lame	A person with a disability A person with a mobility impairment A person who uses a walker A person who uses a mobility aid A person with arthritis
Deaf (the), hearing impaired (the)	A person who is deaf A person with profound hearing loss who communicates using sign language A person who is hard of hearing (person with hearing loss who communicates primarily by speech.) A person with a hearing loss When referring to the deaf community and their culture

Instead of	Please use
	(whose preferred mode of communication is sign language) it is acceptable to use "the Deaf"
Deaf and dumb, deaf mute	A person who is deaf without speech
Deaf-Blind (the)	Person who is deaf-blind (person who has any combination of visual and auditory impairments)
Differently Abled Invalid	A person with a disability
Disabled (the) Handicapped (the) Physically Challenged (the)	People with disabilities The term handicapped may be used when referring to an environmental or attitudinal barrier as in "a person who is handicapped by a set of stairs leading to the entrance"
Fits, spells, attacks	Seizures
Hidden disability	Non-visible disability
Learning disabled, learning disordered, the dyslexics	A person with a learning disability or people with learning disabilities
Mentally retarded, idiot, simple, retarded, feeble minded, imbecile	A person with an intellectual disability A person with a developmental disability
Midget, Dwarf	A person of short stature A person who has a form of dwarfism A little person A person diagnosed with _____
Mongoloid, Mongolism	Person with Down Syndrome (One can use this terminology only when it is directly relevant) A person with an intellectual or developmental disability
Normal	Person who is not disabled Person who is able bodied Specifically, a person who is sighted, a hearing person, a person who is ambulatory
Patient	Person with a disability (The word patient may be used when referring to a relationship between and medical professional and a client)
Spastic	Person who has muscle spasms
Stutterer	A person with a speech impairment or impediment

VIDEOS

VIDEO NAME	DESCRIPTION OF CONTENT

RESOURCES

ACTS AND GUIDELINES – FOUND IN THE ACTS FOLDER ON THE CD
Basic conditions of Employment Act 2014
Code of Good Practice on Key Aspects on PWD
Compensation for Occupational Injuries and Diseases
Employment Equity Act - 2014
Labour relations act-amended 2014
Occupational Health and Safety Act
Skills Development Levies Act
Technical Assistance Guidelines on PWD

ASSESSMENT METHODOLOGY
Revworth discussion Forum on Assessment Tool Development- **www.revworth.co.za**

ASSOCIATIONS
Association for the Physically Disabled - **http://www.apd.org.za**
Independent Living Institute - **http://www.independentliving.org/docs5/SANatlDisStrat1.html**

STATISTICS
Statistics South Africa - **http://www.statssa.gov.za/?p=3180**
Profile of persons with disabilities in South Africa – Census 2011

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