



GREATER TAUNG LOCAL MUNICIPALITY

DISABILITY POLICY

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1. PREAMBLE

Greater Taung Local Municipality as employer recognizes that the organization should provide equal opportunity for all people. This Policy seeks to create and enabling environment to ensure the facilitation of constitutional obligations, policies and legislative frameworks to realize all disability rights. The policy is designed to eliminate against people on ground of disability as well as to promote access to employment opportunities for people with disabilities.

2. LEGAL FRAMEWORK

This policy is guided by but not limited to the following:

2.1 Municipal Systems Act 32 of 2000, Section 17:

Recognizes that every Municipality must take into account the special needs of

2.1.1 People who cannot read or write

2.1.2 People with disabilities

2.1.3 Women

2.1.4 Other disadvantaged groups

2.2 Labour Relations Act 66 of 1995,

2.3 White Paper on an integrated National Disability Strategy (1998):

Identifies the need for Municipalities to ensure that all citizens regardless of race, gender or sexual orientation have access to at least a minimum level of services. The paper further states that accessibility is not only about making services available but also about making services easy and convenient to use Municipalities are expected to ensure that people with disabilities are able to access municipal services and amenities.

2.4 Disability framework for Local Government intends

2.4.1 To provide an enabling environment for municipalities, provincial local government departments and other role players in the local government sphere to address disability issues.

2.4.2 To give guidance on the implementation of the National Disability Policy and other policy and legislative instrument.

2.4.3 To implement structures and mechanisms for the coordination of disability issues and monitoring within local government.

2.5 Employment Equity Act 55 Of 1998, Section 6 states that:

No person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice, on one or more grounds including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV/AIDS status, conscience, belief, political opinion, culture, language and birth.

Code of good practice, item 11 & 14- *recognises the retaining of people with disabilities as well as confidentiality and disclosure of disability.*

Section 15 recognizes:

The retaining and development of people from designated group, implementation of appropriate training measures, including measures in terms of an Act of Parliament providing for skills development.

2.6 Constitution of Republic of South Africa No. 108 of 1996, Section 9 (30 states that:

The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

3. SCOPE AND DEFINITIONS

This policy is applicable to only people who satisfy all the following criteria in the definition and categories of people with disabilities:

3.1 People with disability refers to people who have physical and or mental impairment, long-term or recurring, which substantially limits their prospects of entry into, or advancement in employment, health care, leisure and education

3.2 Disability is a long-term or permanent impairment or recurring conditions which needs to be reasonably accommodated in the workplace, in family life and the community and calls for the elimination of barriers for optimal functioning.

3.3 Impairment – It may be physical or mental.

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

3.3.2 Mental impairment means a clinically recognized condition or illness that affect a person's thought processes, judgement or emotions

3.4 Long-term impairment – means the impairment has lasted or is likely to persist for at least twelve months. A short-term impairment or temporary illness or injury is not an impairment which gives rise to a disability.

3.4 Recurring impairment is likely to recur and be substantially limiting regardless of whether the effect on a person fluctuates progressive conditions are deemed a disability once impairment starts to be substantially limiting. Progressive or recurring conditions which have no overt symptoms or do not substantially limit individuals are not considered disabilities.

3.5 Substantially limiting

- i. 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
- ii. Some impairment are so easily controlled, corrected or lessened that they have no limiting effects. For example a person who wears spectacle or contact lenses does not have a disability unless even with spectacles or contact lenses the person's vision is substantially impaired.
- iii. An assessment whether the effects of impairments 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
- iv. For reasons or 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 recognized programme of treatment
 - Normal deviations in height, weight and strength
 - Conventional physical and mental characteristics and common personality traits

3.6 Categories of disability

3.6.1 Physical disability – refers to damage to muscles, nerves, skin or bones that leads to difficulties in moving around and performing activities in daily living.

Physical disability include:-

- Paraplegia: a substantial loss of function in the lower part of the body

- Quadriplegia: substantial loss of function in all four limbs
- Hemiplegia : substantial loss of function on one side of the body, often due to a stroke
- Cerebral palsy: damage to the brain that causes muscular disorder
- Post-polio paralysis: weakness in some muscles and under development of some limbs.

3.6.2 Visual disability

Visual disability refers to the loss of sight that may be total or partial. Visual disabilities include:

- Blind: refers to the total loss of sight a person might experience difficulty in moving around and knowing where things are.
- Low vision: a limited range of sight and focus that can easily be corrected with spectacles
- Hearing loss: refers to hearing loss that may be mild, severe or total.
- Hearing disability include deaf – which is a hearing loss that usually results in difficulties in learning a spoken language
- Braille: is a tactile writing system used by people who are visually impaired.
- Sign language: refers to a language that uses the visual manual modality to convey meaning.

3.6.3 Mental disability

Mental disabilities include cognitive, psychiatric and learning disabilities as well as physical head trauma.

- Intellectual disability: people with intellectual disabilities find it difficult to learn and retain new information and often struggle to adapt to new situations
- Psychiatric disability: people living with mental illness often experience difficulties in perceiving or interpreting reality and coping with some aspects of daily life.

3.6.4 Multiple disabilities:

Multiple disabilities is when a person is experiencing more than two of disabilities, for example people who have a hearing and visual disability

3.6.5 Epilepsy

Epilepsy is a recurrence of seizures and a seizure is an episode caused by a sudden disturbance in the brain. Epilepsy is a chronic disease/condition which can be controlled with medication but if not can become a disability.

3.6.6 Albinism

Albinism is not a disability per-se, is an inherited condition where a person has absence of pigmentation of the skin and hair and hair is partially sighted, most people with albinism identify themselves as people with disabilities due to the nature of discrimination they experience

4. OBJECTIVE OF POLICY

4.1 To set out guidelines for Greater Taung Local Municipality to:

- Provide equal opportunities for all employees and prospective employees within the Municipality.
- Ensure that all staff is treated with dignity, fairness and respect at all times
- Eliminate unfair discrimination against people on grounds of disability as well as to promote access to employment.
- Establish fair and consistence practices and procedures
- Promote the values of mutual respect, mutual trust, honesty and freedom with responsibility in the workplace.
- To ensure that disability issues are prioritised and integrated into IDP
- Inter- departmental approach in the planning and implementation of disability- related services and programmes
- People with disability are capacitated to enable them to live productive and sustainable lives
- Physical, social, economic and other barriers that prohibit or limit universal access of disabled persons are removed through creation of conducive and accessible environments.
- Prioritisation of groups of disabled persons who are especially vulnerable.

5. POLICY CONTENT

5.1 Disability principles

5.1.2 This policy deals specifically with disabled people, vulnerable groups and disabled youth

5.1.3 Disabled people and senior citizens are defined according to their disability and age, from sixty years and older than that irrespective of gender or disability recognised by the constitution, whilst disabled people are to be confirmed by a qualified practitioner/doctor.

5.1.4 The aim of this programme is to support and empowerment of the disabled through skills development.

5.2 Role of Greater Taung Local Municipality

5.2.1 As per legal framework

- To take into account the special needs of people who cannot read or write, people with disabilities, women and other disadvantaged groups.
- Not to unfairly discriminate , directly or indirectly against an employee in any employment policy or practice, on one or more grounds including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV/AIDS status, conscience, belief, political opinion, culture, language and birth.
- To provide an enabling environment in the Municipality to address disability issues and to implement structures and mechanisms for the coordination of disability issues and monitoring within the Municipality.
- To ensure that people with disabilities are able to access municipal services and amenities.
- Utilising of relevant resources to support disability interventions
- Consulting with disabled people’s organisation
- Raising awareness and promoting disability issues and rights among all municipal staff
- Ensure that people with disabilities have access to all the municipal information and services
- Ensure that people with disabilities are considered in the municipal employment

5.3 Job recruitment process

5.3.1 All employment advertisements shall states that Greater Taung Local Municipality is committed to the achievement and maintenance of its employment equity plan, preference maybe given to women, locality, minorities and people with disability. All appointments are done in line with the EE Plan of the Municipality.

5.3.2 Human Resource shall ensure that applicants who have disclosed their disabilities are invited for interviews if they meet the required qualifications and competencies of the job they apply for.

5.3.3 Advertisement or notices should include sufficient detail about the essential functions and duties of the job so that potential applicants with disabilities can make an informed decision if they meet the inherent requirements of the job.

5.4 Affirmative action measures

- 5.4.1 Greater Taung Local Municipality would ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational levels in the workforce.
- 5.4.2 Affirmative action measures must include measures to identify and eliminate employment barriers, including unfair discrimination, diversity in the workplace and reasonable accommodation for people from designated groups by ensuring that they enjoy equal opportunities.

5.5 Disclosure of disability

The disclosure of disabilities is voluntary but applicants are encouraged to disclose so that accommodation and special needs can be seen to.

5.6 Selection process

- 5.6.1 Applicants with disabilities have to follow the prescribed applications procedure
- 5.6.2 Selection interviews should be sensitive and special needs for disabled applicants with regard to language must be considered when practicable, for example braille or sign language
- 5.6.3 Job interviews should focus on the applicant's skills, knowledge and competency to perform the job and not on the disability.

5.7 Interviews process

- 5.7.1 Selection interviews should be sensitive, objective and unbiased and interviewers should avoid assumptions about people with disability.
- 5.7.2 If an applicant has disclosed a disability or has a self-evident disability, the interviewers must focus on the applicant's qualifications and skills for the work.

5.8 Managing person with disability

- 5.8.1 Should an employee become disabled while in the employ of Greater Taung Local Municipality, a work assessment and recommendation in their current employment must

be done. A re-assessment may be done for skills, competency and suggestions in order to reasonably accommodate the employee in another Department for as long as is practicably possible.

5.8.2 Employees with disability will be governed without distinction or discrimination to existing sick leave allocations (Leave policy). Persons with special needs should be given appropriate training, support and development opportunities for persons with disabilities have had in the past.

5.8.3 Employees with disabilities have the right not to be dismissed unfairly on the basis of their disability

5.8.4 Should an employee become disabled while in the service of Council , every effort should be made to accommodate that employee either in an alternative position or at an alternative work station. This will include employees who are injured on duty.

5.8.5 Should an employee become ill or injured and it appears that the employee is unable to perform the inherent job requirements, the assessment on whether the employee can safely perform the job requirements shall be done, and the employer will therefore identify possible reasonable accommodation for the employee.

5.8.6 If all efforts to provide reasonable accommodation for the employee are unsuccessful, the incapacity route must be followed subject to the qualified Doctor's recommendation.

5.8.7 Greater Taung Local Municipality must ensure as far as possible that, the employee's right to be confidentiality is maintained during an incapacity proceeding.

5.8.8 Municipal Disability Forum

5.8.8.1 In consultation with the disability structures, Greater Taung Local Municipality shall establish a Municipal Disability Forum as per the terms of reference adopted by Council.

5.8.8.2 The disability forum meeting will be held on quarterly basis at a time convenient to the members.

5.8.8.3 A quarterly report should be submitted to Council.

5.8.9 Matters for consultation will be agreed upon by the disability forum.

5.8.10 The disability Forum will only be dissolved by the Council based on the reasons outlined by term of reference.

6. CAREER ADVANCEMENT FOR PEOPLE WITH DISABILITIES

- 6.1 Employees with disabilities should be consulted in order to ensure input specific to their career advancement
- 6.2 Facilities and materials for training, work organization and recreation should be accessible to employees with disabilities

7. RETAINING PEOPLE WITH DISABILITIES

- 7.1 If an employee become disabled, the employer should maintain contact with the employee and where reasonable encourage early-return-to-work. This may require vocational rehabilitation, transitional work programs and where appropriate, temporary or permanent flexible working time.
- 7.2 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.
- 7.3 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.

8. TERMINATION OF EMPLOYMENT

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

9. DISPUTE RESOLUTION

Any grievance/complaint arising from this policy must be dealt with in accordance with Clause 13 of the Main Collective Agreement.

10. POLICY REVIEW

This policy shall be reviewed as and when necessary, in compliance with the relevant legal framework.