

Swellendam Municipality



POLICY ON PEOPLE WITH DISABILITIES

APPROVED PER ITEM C73 DATE 9 DECEMBER 2014

IMPLEMENTATION DATE 1 JANUARY 2015

1. Intention of the Policy

Swellendam Municipality, as employer, recognizes that the organization should provide equal opportunity for all people. This policy is designed to eliminate unfair discrimination against people on grounds of disability as well as to promote access to employment opportunities for people with disabilities. Swellendam Municipality, as employer, is committed to the promotion of the principles and values contained in the Constitution of the RSA and the Employment Equity Act.

2. Scope

2.1 Definition of people with disabilities in employment focuses on the effect of a disability on the person in relation to the working environment, and not on the diagnosis of the impairment.

2.2 Only people who satisfy all the following criteria in the definition are considered as persons with disabilities:

2.2.1 Long-term recurring

- (i) 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.
- (ii) 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.
- (iii) 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.

2.2.2 Impairment

- (i) An impairment may be physical or mental.
- (ii) "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.
- (iii) "Mental" impairment means a clinically recognised condition or illness that affect a person's thought processes, judgment or emotions.

2.2.3 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 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.
- (iv) 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.

3. Objectives

The objectives of this policy are to:

- Provide equal opportunities for all employees and prospective employees within the Swellendam 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 consistent practices and procedures;
- Promote the values of mutual respect, mutual trust, honesty, and freedom with responsibility in the workplace.

4. Policy Provisions

4.1 General

- Swellendam Municipality will promote the values and principles as outlined in this policy in the area under its jurisdiction.
- Swellendam Municipality, as employer, will continue to provide equitable access and reasonable accommodation for persons with disabilities.
- Reasonable accommodation includes but is not limited to :
 - Adapting existing facilities like toilets etc. to make them accessible;
 - adapting existing equipment or acquiring new equipment;
 - reorganising workstations
 - providing sign language, interpreters;
 - Providing specialised supervision, training and support.

4.2 Job Recruitment Process

- 4.2.1 All employment advertisements shall state that Swellendam Municipality is an “Equal Employment Opportunity” and “Affirmative Action” employer.
- 4.2.2 HR 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.
- 4.2.3 Advertisements 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.

4.3 Disclosure of a Disability

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

4.3 Selection Process

- 4.4.1 Applicants with disabilities have to follow the prescribed application procedure.
- 4.4.2 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.

- 4.4.3 Job interviews should focus on the applicant's skills, knowledge and competency to perform the job and not on the disability.

5. Interviews Process

- 5.1 Selection interviews should be sensitive, objective and unbiased and interviewers should avoid assumptions about people with disabilities.
- 5.2 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.

6. Conditional Job Offers

- 6.1 If an applicant with a disability is suitably qualified, the Swellendam Municipality may make a job offer subject to medical or functional testing to determine an applicant's actual or potential ability to perform the essential functions of a specific job.
- 6.2 The testing must comply with statutory requirements.
- 6.3 Swellendam Municipality may test applicants with disabilities for a specific job and not require all other applicants to undergo testing.
- 6.4 If the testing shows that accommodation requirements would create unjustifiable hardship, or that there is an objective justification that relates to the inherent requirements of the job or to health and safety, the Swellendam Municipality may withdraw the job offer.

7. Physical Facilities

- 7.1 Swellendam Municipality will ensure that its existing facilities and buildings comply with the National Regulations with regard to access and accommodation of people with disabilities.
- 7.2 Swellendam Municipality undertakes to make available adequate demarcated parking bays for persons with disabilities.
- 7.3 Swellendam Municipality will ensure the safety of people with disabilities during maintenance projects on their premises.

8. Community Liaison and Outreach

- 8.1 Swellendam Municipality will promote the values and principles as espoused in this policy through its community and service activities
- 8.2 The Community Liaison Officers will play a supportive role in all community –based structures that represent and advocate the rights of the disabled in Swellendam.

9. Targets and review

- 9.1 The Swellendam Municipality's Employment Equity Plan must include targets for improving the participation of staff with disabilities.
- 9.2 This policy will be reviewed biannually to ensure greater representivity of people with disabilities.