

**Presentation to Steering  
Committee on 4 October 2007**



**HANDBOOK ON ACCESSIBILITY  
AND REASONABLE  
ACCOMMODATION FOR PEOPLE  
WITH DISABILITIES IN THE  
PUBLIC SERVICE**

# “PEOPLE WITH DISABILITIES”



## 2. Definition

Section 1 of the Employment Equity Act defines people with disabilities as “People who have a **long-term or recurring physical or mental impairment** which **substantially limits** their prospects of entry into, or advancement in, employment.”

To be covered under the Act, a person’s disability must meet the three basic criteria as outlined above.

# “PEOPLE WITH DISABILITIES” cont....



## 2.1 Impairment

Physical – “partial or total loss of a bodily function or part of the body. This includes sensory impairments such as being deaf, hearing or visual impairment.

Mental – It must be a condition that affects a person's thought processes, judgment or emotions. These may include intellectual, emotional and learning disabilities.

# “PEOPLE WITH DISABILITIES Cont...”



## 2.2 Long-term or recurring

Long-term – means that disability has lasted not less than twelve months. Recurring – means that the impairment is likely to happen again and is likely to happen again. Progressive conditions – becomes disability once the condition starts to be substantially limiting, e.g. TB, cancer or HIV.

# “PEOPLE WITH DISABILITIES”

## Cont...



### 2.3 Substantially limiting

An impairment is substantially limiting if its nature, duration or effects **substantially limits** a person’s ability to perform essential functions of the job for which she/he is being considered for, or employed to do. 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. In the case of doubt, qualified experts may be used to assist the employer to determine whether a particular impairment is substantially limiting. Sometimes an employee or applicant may be able to provide information sufficient to document this.

# ACCESSIBILITY



- Accessibility refers to the extent in which there is easy access into a physical structure (building or workplace), access to services or information.
- The UN Convention on the Rights of Persons with Disabilities expands on the concept of “accessibility” to include “...accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms.”
- The Handbook prescribes and deals with a variety of issues pertaining to accessibility for people with disabilities. These include, but not necessarily limited to, car parking, obstructions and protrusions, signage, building layout, turnstiles, doorways and door location, lifts, toilets and washrooms, forms, information, internets, etc.

# REASONABLE ACCOMMODATION



- **Definition**

Reasonable accommodation refers to the reduction of the impact a disability has on a person's capacity to discharge the essential functions of a job. This could be through the re-assigning of some non-essential functions of a particular job to another official; the provision of assistive devices; or the reshuffling of working hours. In essence, this refers to the measures taken to ensure that a person with a disability is able to function with minimal assistance from a person without a disability.

# REASONABLE ACCOMMODATION



- **1.1 Legal Framework**

- Employment Equity Act, 55 of 1998
- Constitution of the Republic of South Africa, 1996

- **1.1.1 Employment Equity Act, 55 of 1998**

- Sec. 54(1)(a) of the Employment Equity Act states that the “Minister may, on the advice of the Commission, issue any Code of Good Practice, ...”, hence the Code of Good Practice on the Employment of People with Disabilities.

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## 1.1.2 Constitution of the Republic of South Africa, 1996

According to section 9(3) of the Constitution, “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.”

# REASONABLE ACCOMMODATION MEASURES CAN TAKE MANY FORMS



- Provision of assistive devices;
- Work schedule adjustments;
- Adjustment to nature and allocation of duties;
- Re-assigning non-essential tasks elsewhere;
- Assistance with a driver to perform official duties;
- Assistance with installation of adaptations to a vehicle;
- Sign language

# HANDBOOK ON ACCESSIBILITY AND REASONABLE ACCOMMODATION FOR EMPLOYEES WITH DISABILITIES IN THE PUBLIC SERVICE



## INTRODUCTION

The Handbook on Accessibility and Reasonable Accommodation is one of the components that make up the JobACCESS Strategic Framework Resource Kit on the Recruitment, Employment and Retention of people with disabilities in the Public Service.

The Handbook is made up of three sections:-

- Section 1 - Introduction,
- Section 2 - Accessibility, and
- Section 3 - Reasonable Accommodation.

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## PURPOSE

- The Handbook is intended to be a source of easy reference for Heads of Departments, Managers, Disability Focal Points, and employees with disabilities, including consumers of services provided by the Public Service, in all matters relating to accessibility and reasonable accommodation in the Public Service workplace.
- It provides an in-depth discussion on matters relating to accessibility and reasonable accommodation.
- When issues raised in this Handbook are extensively addressed, a bold step will have been taken towards addressing some of the challenges faced by people with disabilities in the Public Service workplace.



**THANK YOU**