



PROMOTING THE
RIGHT TO WORK OF
**PERSONS WITH
DISABILITIES**

MONITORING
FRAMEWORK

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MONITORING FRAMEWORK

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INTRODUCTION

The purpose of this monitoring framework is to enable the South African Human Rights Commission (SAHRC) to assess the progress employers are making in the recruitment, retention, and accommodation of persons with disabilities in the workplace.

This document sets out the indicators to be monitored in the implementation of the toolkit and the questions to be asked to obtain the necessary information. It may be used by employers, public authorities, and other interested stakeholders as a self-assessment tool and will be used by the SAHRC to monitor implementation of the Convention on the Rights of Persons with Disabilities (CRPD) as provided for under Article 33¹ and in terms of the Toolkit for the Private Sector: Promoting the Right to Work of Persons with Disabilities which was drafted by the SAHRC to enable businesses to comply with their various national and international obligations.

1 See article 33 of the CRPD.

A TOOLKIT FOR THE PRIVATE SECTOR: PROMOTING THE RIGHT TO WORK OF PERSONS WITH DISABILITIES

EXECUTIVE SUMMARY

The purpose of this toolkit is to support and encourage employers in the private sector to recruit, retain, and upskill persons with disabilities by presenting a strong business case for hiring and retaining employees with disabilities and demonstrating that employing persons with disabilities is good business.

According to Article 33(2) of the CRPD, State parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate, or establish within the State party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect, and monitor implementation of the CRPD. The mandate of the SAHRC arises from this article of the CRPD which mandate aligns with its legal obligations under the Constitution of South Africa, 1996.

During the past thirty years, as part of rethinking disability, views on disability shifted from an out-dated medical model of disability towards a social model of disability. The earlier model says that people are disabled by their impairments or differences while the latter model says that disability is caused by the way society is organised other than by a person's impairments or differences.

According to the Census 2011 report, 7.5% of the total population constitutes persons with disabilities. Of this number black Africans make up the highest proportion of persons with disabilities. The data showed that disability is more prevalent among females than males. There were further negative correlations with certain disability types, severity of disability, and older persons. Eight out of ten disabled persons are unemployed.

Statistics pertaining to the employment of persons with disabilities in South Africa show that the private sector in South Africa is absorbing fewer than expected persons with disabilities into its workforce. South African employers across the board fall short of national targets for the employment of persons with disabilities. There is considerable scope to increase the employment of persons with disabilities within the private sector and this toolkit goes on to present a business case for disability employment.



DEFINITION OF TERMS AND CONCEPTS

Disability

Article 1 of the CRPD defines persons with disabilities to “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”.

Assistive devices and technologies

These are any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customised, that is used to increase, maintain, or improve the functional capabilities of persons with disabilities.

Disability audit

A disability audit is an assessment of an organisation in respect of its buildings and work environment in relation to access and ease of use by a wide range of potential users, including persons with physical, mobility, and sensory impairments. A disability audit is necessary to identify adjustments that may be required to ensure that persons with disabilities are able to access employment premises and that they have the necessary tools to enable them to perform their duties.

Employment equity and employment equity plans

This principle was made law under the Employment Equity Act 55 of 1998² and is administered by the Department of Labour. Its principal objective is to create opportunities for previously disadvantaged groups in the workplace. Other key objectives of the law are to eliminate unfair discrimination in employment practices,

² See sections 5, 13 and 20 of the Employment Equity Act 55 of 1998.

achieve a diverse and broadly representative workforce, and promote the constitutional right to equality. The law covers physical disability and medical conditions which can cause unfair discrimination in the workplace against certain people. Designated employers are required to develop and implement an employment equity plan.

Flexible work arrangements

Flexible work arrangements relate to work structures and processes that alter the time and/or place that work gets done on a regular basis. A flexible work arrangement may include flexibility in the scheduling of hours worked, such as alternative work schedules, (e.g. flexible time and compressed workweeks and arrangements regarding shift and break schedules), flexibility in the number of hours worked (such as part time work and job sharing), and flexibility in relation to the place of work (such as working from home or at a remote location).

Reasonable accommodation

A reasonable accommodation is any change or adjustment in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities. It refers to the provision of conditions, equipment, and environments that enable individuals with disabilities to effectively perform their duties. The Employment Equity Act requires employers to provide reasonable accommodation for individuals with disabilities, unless such accommodation would cause undue hardship.



SECTION A- INDICATOR: EMPLOYMENT PROFILE

NO.	QUESTIONS	ANSWERS			
1	Has your company conducted a disability audit?	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
2	How many persons are employed in your company?				
3	How many of your employees have a physical impairment?				
4	How many of your employees have a mental impairment?				
5	How many persons in your organisation received training and development as part of the company's strategy to develop its people?				
5a	How many of the employees mentioned under 5 above are persons with disabilities?				
6	How many employees have been promoted to higher occupational levels in the past 5 years? (sum total is required)				
6a	Of the total number of employees that were promoted under 6 above, how many were persons with disabilities?				
7	Please indicate the number of persons with disabilities in your employ in each of the occupational levels* given below:				
Top management	Senior management	Middle management	Junior management	Other staff	

*“Occupational levels” refers to those contained in your EEA2 reports or as per your grading system

SECTION B- INDICATOR: POLICY MATTERS

NO.	QUESTIONS	ANSWERS	
1	Does your company have a stand-alone disability policy?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2	Are there any other employment policies, such as recruitment, skills development, succession plans, compensation for occupational injuries and diseases (COID) that include persons with disabilities?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2a	If yes under 2 above, please list those policies that include disability.		
2b	Please indicate the number of COID claims that have been lodged in the last 12 months.		
3	Does your company have an Employment Equity Plan?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3a	If yes under 3 above, what targets did you set for the employment of persons with disabilities at the start of the last reporting period?		
3b	What targets for the employment of persons with disabilities did you achieve at the end of the reporting period?		
4	Does your company have a disability disclosure policy or guidelines to encourage disclosure?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4a	Do employees have the option to disclose their disability status in a discreet and strictly confidential manner yet are still able to be reasonably accommodated?		
5	Are employees who become disabled medically boarded by your company?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5a	If yes under 5 above, how many employees were medically boarded in the last 12 months?		



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Are recently disabled employees afforded the opportunity of working elsewhere in the company?

Yes

No

Explain the process

Provide examples

If not, why not?

7

What other options are made available to persons who become disabled while working in your organisation?

8 Do employees have support to manage their disabilities through your company's wellness or employee assistance programmes?

Yes

No

If not, how else are they supported?

8a What employee assistance programmes does your company subscribe to?

9 Is there a budget allocated for disability-related expenses such as training, workspace adaptations, etc. in order to provide reasonable accommodation?

Yes

No



SECTION C - INDICATOR: REASONABLE ACCOMMODATION

NO.	QUESTIONS	ANSWERS	
1	Are your premises physically accessible to wheelchair users?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2	Do your premises have an accessible toilet area for wheelchair users?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3	Does your company have parking allocated to persons with physical disabilities?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4	Does your company have an emergency evacuation plan providing for persons with disabilities?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5	Does your company provide persons with disabilities with assistive devices and technologies in order to assist them to carry out their duties?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6	Have adaptations been made to any workstations used by disabled employees, e.g. computer hardware and software, screen enlargement and magnifiers, hearing loops, spatial arrangements, stairs, colour contrasts, audible lift announcements, artificial lighting, etc.? Please specify	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7	Does your company provide transport for persons with disabilities to get to and from work?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8	Are persons with disabilities afforded flexible work arrangements?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8a	If yes under 8 above, please list what flexible arrangements are provided?		
9	What other measures are in place to attract, advance, and retain persons with disabilities in your organisation?		

SECTION D - INDICATOR: COMMUNICATION

NO.	QUESTIONS	ANSWERS	
1	Are your company's technology platforms such as emails, websites, intranet, and other communication channels adapted for ease of use by persons with disabilities?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2	Does your company provide sign language interpreters for employees who are deaf?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3	Does your company provide for real-time speech-to-text transcription services for persons who are hard of hearing, deaf, or hearing impaired?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4	Does your company provide braille or large print for blind or partially-sighted employees?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5	Has your company provided education and training to sensitise employees on disability? If not, why not?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6	Does your company communicate its disability philosophy and stance both inside and outside the organisation?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6a.	When you advertise employment opportunities do you use the disability-friendly symbol or state that persons with disabilities are encouraged to apply?	Yes <input type="checkbox"/>	No <input type="checkbox"/>



SECTION E - INDICATOR: GENERAL

NO.	QUESTIONS	ANSWERS
1	What effect has the employment of persons with disabilities had on: Productivity Staff morale Budgets Workplace culture B-BBEE status	Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/>
2	Has your company received any complaints relating to disability?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2a	If yes under 2 above, were these complaints lodged by persons with disabilities or other staff? How was it handled? What was the outcome?	

RESOURCE TIPS FOR EMPLOYERS OF PERSONS WITH DISABILITY

I. Conduct targeted outreach

Strong and successful recruitment of disabled candidates by businesses is possible by liaising with community base partners that have connections to qualified candidates. These partners include non-profit organisations, national, and local disability organisations such as:

- » **Employment networks** which assist with job searches using their personal and professional contacts e.g. NCPPDSA- National Council for People with Physical Disabilities in South Africa
- » **Vocational rehabilitation services** which are geared to assist persons with disabilities to access services which enable them to prepare to obtain employment

II. Post job announcements in targeted spaces

Posting vacancies on job boards designed for people with disabilities will increase the diversity of applicant pool. Examples of job boards include:

- » **Talent acquisition portals** e.g. NAP -National Accessibility Portal - an initiative led by Council for Scientific and Industrial Research (CSIR) uses assistive technology to enable people with disabilities to access and share information online in an affordable way

Other Portals may include Careers24, Oracle, Indeed etc.

- » **Workforce recruitment programmes** that connect sector employers nationwide with highly motivated college students and recent graduates with disabilities who are eager to prove their abilities in the workplace, including:

DWEDE -Disability Workshop Development Enterprise which is one of the leading players in disability employment support services



III. Training

It is important that companies extend professional development opportunities to employees in all offices. Examples of strategies and practices regarding training include:

- » Providing training on disability related issues to all personnel, particularly to those involved in the recruitment, hiring and retention processes; making sure that they all understand legal requirements, disability etiquette and disability awareness, retention and return to work strategies
- » Companies should make sure that they conduct training on disability- related issues regularly and as an ongoing process

IV. Return to work programmes

These are programmes designed to return an injured, disabled, or impaired worker to the workplace as soon as medically feasible - many individuals may need reasonable accommodation in order to do their jobs after a period of leave

The resources below provide additional information on return to work programmes:

- » The **Institute for Work and Health** - an independent, not-for-profit research organisation that conducts and shares research that protects and improves the health of working people. They are one of the top five occupational health and safety research centres in the world. The WSIB is the primary funder of the organisation
- » **NIDMAR** -National Institute of Disability Management and Research is an internationally recognised organisation committed to reducing the human, social, and economic costs of disability through education, training, and research

V. Provide reasonable accommodation

Reasonable accommodation involves any changes in the work environment that enable an individual with a disability to enjoy equal employment opportunities including:

- » Changes to the job application processes
- » Changes to the work environment

The following resources provide more information about reasonable accommodation:

- » **Reasonable accommodation guidelines:** an instructional guide to reasonable accommodation for people with epilepsy - www.epilepsy.org
- » **Technical assistance guidelines** on the employment of persons with disability- Department of Labour

VI. Disability awareness

It is important for organisations to implement sensitisation programmes for non-disabled persons prior to employing disabled persons in specific departments. One of the greatest problems that persons with disabilities face when trying to access mainstream programmes is negative attitudes and the following organisations provide assistance:

- » The National Council for Persons with Disabilities in SA - NCPPDSA a non-governmental organisation promoting the rights and the enhancement of quality of life for persons with disabilities
- » DPSA - Disabled People South Africa – a national institution promoting awareness issues facing people with disabilities in South Africa

VII. Form community partnerships

Partnership is the key to progress; communities, parents, and disabled people are potential resources to be drawn upon through a process of community consultation

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