



DISABILITY POLICY


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Related Policies	Employment Equity Policy, Recruitment Policy, Training and Development Policy, Attraction and Retention Policy, Preferential Procurement Policy, Policy on Reasonable Accommodation

(i) **Head of Department**

This Disability Policy has been recommended by Mr A.A. Fani in my capacity as the Head of Department of Cooperative Governance and Traditional Affairs.

I am satisfied and concur with the contents of this Policy.

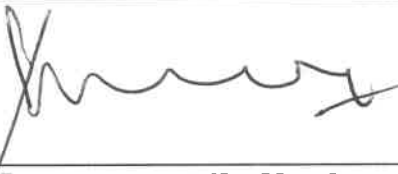
The development of the Disability Policy document will ensure the Department is able to exercise its powers in compliance with the law and guide decision- making in the Department. This policy improvement is also part of our strategic thrust to remodel the Department's internal machinery and its productivity.

Recommended	
Designation	Head of Department
Date	20/04/2022

(ii) **Executive Authority**

The Department of Cooperative Governance and Traditional Affairs has an unprecedented opportunity to improve the lives of the people by effectively rendering services that it is expected to provide. We envisage a Department that has the required capacity to respond adequately to the challenges of its people.

I therefore trust that the guidance from this Policy will contribute to the effective Mainstreaming and Management of disability matters and programs in the Department.

Signed	
Designation	MEC: Honourable X.E Nqatha of Cooperative Governance and Traditional Affairs
Date	22/04/2022

(iii) ACRONYMS

CBO	Community Based Organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CGE	Commission for Gender Equality
CRPD	Convention on the Rights of Persons with Disabilities
DPO	Disabled People's Organisation
ECCOGTA	Eastern Cape Department of Cooperative Governance and Traditional Affairs
HOD	Head of Department
INDS	Integrated National Disability Strategy
NGO	Non-governmental organisation
SAFCD	South African Federal Council on Disability
SALGA	South African Local Government Association
SPU	Special Programmes Unit
UN	United Nations
WPRPD	White Paper on the Rights of Persons with Disabilities
EE	Employment Equity

CONTENTS	PAGE NO
1. Preamble	6
2. Policy Statement	6
3. Purpose of the Policy	6
4. Definitions	7
5. Scope of the Policy	8
6. Legislative Framework	8
7. Statement of Commitment	9
8. Situational analysis	9
9. Guiding Key principles	10
10. Policy Provisions	13
11. Disclosure	14
12. Key Stakeholders	15
13. Implementation	15
14. Monitoring of the Policy	16
15. Communication/Education of the Policy	16
16. Dispute resolution mechanism	16
17. Approval of the Disability Policy	16
18. Review of the Disability Policy	17
19. Consequence to non-adherence	17
20. Recommendations	

1. PREAMBLE

The Department undertakes to employ, empower, and develop competent people including persons with disabilities to utilize their potential and to expand their careers. It will further put measures in place to redress the inequalities and disadvantages created by prejudice and discrimination and contribute to a democratic vision which is respectful of human rights. In an endeavor to achieve the above the department will take guidance from the disability policy and inform the senior management about mainstreaming disability and development of implementation policies and strategies for disability responsive service delivery programs. This can only be done if there is a proper understanding of the concerns, challenges and needs of persons with disabilities that will inform the nature and content of the integrated service delivery system, which the Department will develop and implement.

2. POLICY STATEMENT

The Disability Policy in the Department of Cooperative Government and Traditional Affairs (COGTA) seeks to ensure the representation of persons with disabilities at all levels in the workforce of the Department and to implement appropriate measures towards the balanced employment, training, and promotion of employees from this group, without prejudice. To provide budget for the resources to be utilized.

3. PURPOSE OF THIS POLICY

Departmental Policy seeks to set out a plan for improving the life of persons with disabilities within the Department, Provincial office, and District Centres with the following objectives:

- 3.1 To serve as a guide for employer and employees on promoting equal opportunities and fair treatment of persons with disabilities towards achieving the minimum of 2% or more representation in the Department.
- 3.2 To facilitate the provision of equitable service delivery through the implementation
- 3.3 Departmental strategies and policies that serve as guides in addressing social barriers to inclusion.
- 3.3 To facilitate transformation shifts within the department and society as a whole regarding disability issues and further define the role of the Department in service provision to persons with disabilities.
- 3.4 To align Departmental Policies with the 2015 White Paper on the Rights of persons with disabilities (WPRPD) as overarching policy framework.
- 3.5 To provide a comprehensive approach for advancing the interests of persons with disabilities as well as covering nine Strategic Pillars as set out in the White Paper on the Rights of persons with disabilities (WPRPD);

	advance in employment. These measures ensure that persons with disabilities enjoy equal opportunities
Social Model	Is the way in which society functions within a state (social model of disability proposes that systematic barriers, negative attitudes and exclusion by society are the ultimate)
Sporadic	Similar/occurrence appearing or happening at regular intervals
Stereotyping	Classifying people because of one unique characteristic or a form of prejudice that can form damaging images of people

5. SCOPE

The Policy is applicable to all employees of the Department and prospective employees for all advertised posts. Special Program's Unit (SPU) plays an important role to facilitate the implementation of and adherence to the provisions set out herein.

6. LEGISLATIVE FRAMEWORK

Over the last two decades, the South African government has passed several pieces of legislative frameworks to ensure that persons with disabilities are included in society and are able to access all equal opportunities available to all citizens of the country.

The Policy is informed by the following Legislative Framework:

- 6.1. the Constitution of RSA 1996
- 6.2 White Paper on the Rights of Persons with Disabilities, 2015
- 6.3 National Development Plan; 2030 vision
- 6.4 White Paper on the Transformation of the Public Service
- 6.5 Employment Equity Act 55 of 1998
- 6.6 Employment Equity Act 55 of 1998 Code of Good Practice on Employment of Persons with Disabilities
- 6.7 United Nations Convention on the Rights of People with Disabilities
- 6.8 Basic Conditions of Employment Act 75 of 1997
- 6.9 Labour Relations Act 66 of 1995
- 6.10 Skills Development Act 97 of 1998 updated 2007
- 6.11 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- 6.12 Public Service Act as amended and Regulation, 2016
- 6.13 Code of Practice on the Accessibility of Buildings to Disabled Persons, SABS 0246 (1993 access to Information Act, 2000 (Act No. 22 of 2000))

9.4 Equality of opportunity

- Women and girls with disabilities are subjected to discrimination based on their disability status and their gender.
- The Department must develop and implement strategies to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others in relation to Article 23 of the CRPD.

9.5 Accessibility, Reasonable Accommodation and Assistive Devices

- The disability sector uses two concepts to define accessibility which are “barrier free access” and “universal design” to ensure inclusion, equity, equality and participation in mainstream society.

9.6 Respect for Children’s Rights

- The Department must have respect for the evolving capacities of children with disabilities, respect for the right of children with disabilities to preserve their identities, the right to self-representation as well as approach their structures for implementation and monitoring and evaluation of programmes and projects on their behalf.

9.7 Institutional arrangements and support

Departmental Management:

- i. provides strategic direction towards the implementation of affirmative action measures to address equality in the workplace
- ii. ensure that disability targets are clearly set in line with employment equity plan targets and are achieved progressively
- iii. provides on the job training opportunities for persons with disabilities
- iv. be responsible for ensuring that appointments promote representation
- v. ensures that there is no discrimination in the job tasking process, job remuneration and appointment of employee benefits

Employees:

- i. Shall cooperate with managers in creating barrier free environments where persons with disabilities are not constrained in undertaking responsibilities
- ii. Shall treat persons with disabilities in the department with respect, dignity, and equality

Special Programmes Unit:

All disability issues shall be coordinated by this unit through the disability focal person who shall:

- i. Coordinate all disability related programs and represent the department in inter-departmental planning and implementation process
- ii. Manage various aspects of the policy and report progress to management

9.8 Equitable resource allocation

The Department must adopt a disability-responsive budgeting to ensure disability mainstreaming and inclusion.

10. POLICY PROVISIONS

10.1 The policy is in line with the vision and mission of the Department:

Vision: A functional and developmental local government system that delivers on its Constitutional and legislative mandates within a system of cooperative governance . This Vision is in line with the objectives of Chapter 13 of the National Development Plan: '*Building a capable and developmental State*'.

Mission: The Departments mission is to ensure that all municipalities perform their basic responsibilities and functions consistently by:

- Putting people and their concerns first.
- Supporting the delivery of municipal services to the right quality and standard.
- Promoting good governance, transparency, and accountability.
- Ensuring sound financial management and accounting; and
- Building institutional resilience and administrative capability.

10.2. This policy is further aligned to and complement other legislative frameworks *inter alia*:

10.2.1. Employment Equity Policy

10.2.1.1. The Policy states that the Department endorses the principle of equal opportunity in the workplace, recruitment processes, training, promotion, and advancement regardless of race, gender, and disability. It further states that the Department is committed to the elimination of any form of direct and indirect unfair discrimination or harassment in the policy or practice.

in consultation with the employee, must determine the best ways to accommodate the needs of that employee.

Training and Development Policy

The Policy is aimed at achieving employment equity targets and implementing the National Skills Development Strategy to correct imbalances with regards to black people, women, youth, and Persons with disabilities with the focus on equipping selected candidates for career progression through special and career initiatives.

Recruitment Policy

An advertisement of a post shall not unfairly discriminate against or prohibit any suitably qualified person or employee from applying.

It further sets the minimum entry requirements for appointment to include taking into consideration candidates from the targeted designated group(s) who fall below the experiential requirement for the post only when no candidate from the targeted designated group meets the experiential requirements for the post in advancing persons from designated groups.

Attraction and Retention Policy

The policy states that all advertisements for placement in the newspapers must indicate specific EE targets in line with departmental EE Plan as it should be case on Transport Policy which must make provisions to accommodate Persons with Disability based on their needs.

Preferential Procurement Policy Framework Act (Act 5 of 2000)

In terms of the framework, an organ of state must determine its preferential procurement policy and implement it to satisfy specific goals which among other include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender or disability.

12. KEY STAKEHOLDERS

- 12.1** Departmental Disability Forum
- 12.2** Disabled People Organizations
- 12.3** Departmental Management and employees
- 12.4** Line managers from different components
- 12.5** SALGA

13. IMPLEMENTATION

The implementation of this Disability policy must follow the following strategic approaches:

- 13.1 **Inclusion:** existing and new programmes that are delivered must adhere to principles of equality, equity, and non-discrimination.
- 13.2 **Integration:** Delivery on disability rights must not be treated as separate or as an add-on to mainstream operations but must be fully integrated into the government and departmental planning, implementation, monitoring of programmes and projects inclusive of responsive budgeting.
- 13.3 **Participation and involvement:** The implementation process must be done together with Persons with Disabilities and their organisations.

IMPLEMENTATION MATRIX OF THE POLICY (Attached as ANNEXURE A)

14. MONITORING AND EVALUATION OF THE OF THE IMPLEMENTATION OF THE POLICY

SPU shall monitor the implementation of the policy and inputs must be consolidated on progress achieved in the implementation of the policy.

15. COMMUNICATION ON THE POLICY

The Disability Policy will be communicated throughout the Department to all its employees, Districts/Metros through workshops, intranet, and workgroups.

16. DISPUTE RESOLUTION MECHANISM

In the event of disputes arising out of this policy, such disputes shall be dealt with as per the Public Service Commission Act 46/1997: Rules for dealing with Grievances of Employees in the Public Service.

17. APPROVAL OF THE DISABILITY POLICY

The Disability Policy shall be recommended by the Head of Department (HOD) and approved by the Member of the Executive Council (MEC) as per the updated departmental Delegations. The policy becomes effective on the date it is signed by the Executing Authority - MEC for Cooperative Governance and Traditional Affairs.

18. REVIEW OF THE DISABILITY POLICY

This Policy will be reviewed and amended in line with future legislations and collective agreements promulgations. The review of this policy has been a dynamic process and that it may require revision from time to time.

19. CONSEQUENCE MANAGEMENT

CONSEQUENCE TO NON-ADHERENCE TO THE POLICY PROVISION

It is the responsibility of the Management of COGTA to ensure that the contents of this policy are understood and adhered to.

Consequence management will be implemented for non-adherence to this Policy based on the legislative framework governing the Public Sector

Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
Start from	YYMMDD (The date the policy takes effect)	Contact person – full name & title.	Include any superseded procedures and what the amendment is to the document.
			<p>PREAMBLE</p> <p>COGTA undertakes to employ, empower, and develop competent people including Persons with Disabilities to utilize their potential and to expand their careers. It will further put measures in place to redress the inequalities and disadvantages created by prejudice and discrimination and contribute</p>

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			<p>to a democratic vision which is respectful of human rights.</p> <p>In an endeavor to achieve the above the department will take guidance from disability policy and inform the senior management about mainstreaming disability and development of implementation policies and strategies for disability responsive service delivery programs. This can only be done if there is a proper understanding of the concerns, challenges and needs of Persons with Disabilities that will inform the nature and content of the integrated service delivery system, which the Department will develop and implement.</p> <p>6. LEGISLATIVE FRAMEWORK</p> <p>Over the last two decades, the South African government has passed several pieces of legislative frameworks to ensure that Persons with Disabilities are included in society and are able to access all services available to all citizens of the country.</p> <p>7. STATEMENT OF COMMITMENT</p> <p>Please refer to 7.1 to 7.4</p> <p>8. SITUATIONAL ANALYSIS</p> <p>Please refer to 8.1 to 8.5</p> <p>9. KEY GUIDING PRINCIPLES</p> <p>Please refer to 9</p> <p>10 POLICY PROVISIONS</p>

Version Control	Date Effective	Approved By	Amendment
			<p>The policy is in line with the vision and mission of the Department:</p> <p>11.1 Vision: A functional and developmental local government system that delivers on its Constitutional and legislative mandates within a system of cooperative governance</p> <p>This Vision is in line with the objectives of Chapter 13 of the National Development Plan: ‘Building a capable and developmental State’</p> <p>11.2 Mission: The Departments mission is to ensure that all municipalities perform their basic responsibilities and functions consistently by:</p> <p>11.2.1 Putting people and their concerns first.</p> <p>11.2.2 Supporting the delivery of municipal services to the right quality and standard.</p> <p>11.2.3 Promoting good governance, transparency, and accountability.</p> <p>11.2.4 Ensuring sound financial management and accounting; and building institutional resilience and administrative capability.</p> <p>11.3 This policy is further aligned to and complement other legislative frameworks <i>inter alia</i>:</p>

Version Control	Date Effective	Approved By	Amendment
			<p>Please refer to 10.2.1 to 10.2.2</p> <p>IMPLEMENTATION</p> <p>Implementation of this Disability policy must follow the following strategic approaches:</p> <p>12.1 Inclusion: An inclusive approach means that the existing and new programmes that are delivered to able-bodied beneficiaries must include delivery to people with disabilities.</p> <p>12.2 Integration: Delivery on disability rights should not be treated as separate or as an add-on to mainstream operations but should be fully integrated into the government and departmental planning, programmes, projects and budgets.</p> <p>12.3 Participation and involvement: The implementation process must be done together with people with disabilities and their organisations.</p> <p>12. MONITORING AND EVALUATION OF THE OF THE IMPLEMENTATION OF THE POLICY</p> <p>The SPU will monitor the implementation of the policy and inputs will be consolidated on the progress achieved in the implementation of the policy.</p>

ANNEXURE A

IMPLEMENTATION FRAMEWORK ON DISABILITY ISSUES

No	OBJECTIVES	OUTCOME	KEY ACTIVITIES	KEY INDICATOR	Leading Component
1.	Removing barriers to access and participation	Changing attitudes and behavior	<p>Develop and implement a Disability Rights Awareness Plan</p> <p>Develop and implement new human rights-based disability related terminology</p>	<p>Disability inclusive plans</p> <p>Disability rights language information</p>	<p>SPU</p> <p>All programmes</p> <p>SPU</p>
		Accessible buildings	Conduct universal design audits	100% of owned and leased buildings audited	SPU Facilities Management All Programmes
		Accessible transport	Conduct transport access audits	Recommendations for accessible transport	SPU

No	OBJECTIVES	OUTCOME	KEY ACTIVITIES	KEY INDICATOR	Leading Component
					Transport Management
		Accessible information and communication	Ensure equal access to information and communication platforms	2,5% improvement across all platforms	SPU Communications All Programmes
			Provide accessible emergency and disaster management information	100% of emergency and Disaster Management plans 100% of Occupational Health and Safety procedures include accessibility measures for Persons with Disabilities	SPU Disaster Management Occupational Health and Safety
	Equitable access to and participation in programmes and services		Conduct audits	Baseline established	SPU All programmes

No	OBJECTIVES	OUTCOME	KEY ACTIVITIES	KEY INDICATOR	Leading Component
			Provision of assistive devices	30% of Reasonable Accommodation	
2.	Supporting sustainable integrated community life	Building a socially cohesive communities and neighborhoods	Human Rights and Social cohesion promotion programmes highlights the rights of Persons with Disabilities Ensure that all community development programmes, and community facilities are accessible	Disability Inclusive activities	SPU All programmes
		Protection during situations of risk and disaster	Review disaster management plans	50% Persons with Disabilities having access to community development programmes and facilities	SPU All programmes
				100% of disaster management plans reviewed and universal design access plans developed and implemented	SPU Disaster Management EHWP

No	OBJECTIVES	OUTCOME	KEY ACTIVITIES	KEY INDICATOR	Leading Component
				50% compliance with universal design access plans	
			Provide accessible relief services	Baseline established 100% of disaster management centers have formalized arrangements for psychosocial support service personnel with required skills for deployment during disaster	SPU Disaster Management EHWP
			Provide accessible emergency services	100% of emergency personnel trained Reasonable accommodation measures in place in 100% of municipal emergency services, including for the	SPU Disaster Management

No	OBJECTIVES	OUTCOME	KEY ACTIVITIES	KEY INDICATOR	Leading Component
				Deaf and hearing-impaired Persons	
3.	Reducing economic vulnerability and releasing human potential	Reduction of Poverty and unemployment amongst People with Disabilities	Increasing household income through employment and work opportunities	Baseline established for access to a range of programs within rural Municipalities 50% improvement in access by rural communities to all programs	SPU CWP EPWP Free Basic Services
		Access to decent work and employment opportunities	Baseline statistics of applications for Persons with Disabilities and outcomes Determine equity targets Development of Database Provision of assistive devices	Employment equity and work opportunity targets for Persons with Disabilities increased to at least 2% at management level	SPU HRM

No	OBJECTIVES	OUTCOME	KEY ACTIVITIES	KEY INDICATOR	Leading Component
		Persons with Disabilities as owners of the economy	<p>Baseline audit for SMME's of Persons with Disabilities</p> <p>Ensure a target of 2% procurement and economic opportunities for emerging enterprises owned by Persons with Disabilities</p>	<p>A minimum of 2,5% of all procurement for bids under R30, 000 and opportunities in various economic sectors allocated enterprises owned by Persons with Disabilities</p>	SPU Procurement & SCM
			<p>Strengthen access to and participation in enterprise support programs</p>	<p>30% increase in participation by emerging enterprise's owned by Persons with Disabilities in the SME's support program</p>	SPU Procurement & SCM
			<p>Ensure BBBEE benefits Persons with Disabilities</p>	<p>Review of disability targets 2,5% of BBBEE benefits extends to Persons with Disabilities to</p>	SPU Procurement & SCM

No	OBJECTIVES	OUTCOME	KEY ACTIVITIES	KEY INDICATOR	Leading Component
			Set affirmative action targets for Women with Disabilities	2,5% of all affirmative action opportunities for Persons with Disabilities are accessed by Women with Disabilities	SPU Procurement & SCM
4.	Strengthening the representative voice of persons with disabilities	Strengthening Access and Participation through self-representation	Persons with Disabilities included in all design, planning, implementation and monitoring of policies and programs	Consultative platforms for Persons with Disabilities institutionalized	SPU EE and SDC Free Basic Services IDP
	Public Participation and Consultation Programmes		All public participation programs must be fully accessible to Persons with Disabilities	2,5 % of Persons with Disabilities participating in the decision-making structures	SPU MPP IDP

No	OBJECTIVES	OUTCOME	KEY ACTIVITIES	KEY INDICATOR	Leading Component
5.	Building a disability equitable state machinery	Disability Equitable Planning, Budgeting and Service Delivery	Implement a disability responsive budget	30% of budget responding to issues of Persons with Disabilities	Budget All programs
	Monitoring, Evaluation and Reporting		Review of data and statistics management systems	100% of Data and statistics disaggregated All reports to contain a gender and disability dimension	SPU M&E
	Strengthen Accountability		All performance contracts of Senior Managers to include disability outcomes	Guidelines for disability equity dimension developed and approved 100% compliance	SPU M&E
	Capacity Building and Training		Training needs analysis Capacity building plan inclusive of issues of	100% compliance	HRD and CB

No	OBJECTIVES	OUTCOME	KEY ACTIVITIES	KEY INDICATOR	Leading Component
		Persons with Disabilities developed	Facilitate and Monitor Disability Mainstreaming	100% compliance	SPU
	Designated Persons	Focal			