



Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

**POLICY ON REASONABLE ACCOMMODATION GUIDELINES
AND ASSISTIVE DEVICES (PRAAD)**


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(i) Head of Department

This Policy on Reasonable Accommodation Measures and Provision of Assistive Devices to employees with Disabilities has been recommended by **Mr A.A. Fani** in his 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 Policy on Reasonable Accommodation Measures and Provision of Assistive Devices to employees with Disabilities will ensure the Department is able to exercise its powers in compliance with the law and guide decision- making in the Department.

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 have envisaged a department that has the required capacity to respond adequately to the challenges of its people.

I therefore trust that guidance from this Policy will contribute to the effective management of disability matters in the Department.

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

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1. PREAMBLE

Recognizing the importance of removing physical, economic, social, and psychosocial barriers and promoting accessibility to accessibility, the Department of Cooperative Governance and Traditional Affairs (COGTA) commits itself to the following:

- 1.1 to best practices and leadership in ensuring a workplace that is non-discriminatory and shall provide reasonable accommodation and assistive devices.
- 1.2 *that there will be no discrimination against any person based on disability as it is a violation of inherent dignity and worth of a person.*
- 1.3 *there should be equal recognition of all employees before the ADMINISTRATIVE LAWS of COGTA – JUST WORKPKLACE PRACTICES*
- 1.4 *a creation of an enabling environment by providing access to all departmental resources by all program managers and fellow employees at COGTA.*
- 1.5 *it is of paramount importance in promoting independent living and allowing full participation for Persons with Disabilities*
- 1.6 *to protect current and future employees with Disabilities and take into consideration that disability in an evolving concept.*

The Constitution of the Republic of South Africa (Act 108 of 1996) protects the rights and dignity of People with Disabilities (PWD) and promotes and supports the full participation, equalization of opportunities and their integration in society. People with Disabilities face extreme social, political, economic levels of inequality and discrimination which contributes to their underdevelopment, marginalization, unequal access to resources and lack of service provisioning. It further identifies PWD as one

of the groups that were previously disadvantaged across all spheres of life and therefore key to redress in the transformation of the country.

PWD are therefore prime beneficiaries of affirmative action measures including their appointment and retention in COGTA.

This policy intends to facilitate this process, also ensures that issues of disability are approached from human rights perspective resulting in the Department ultimately being a workplace which is conducive to employees with disabilities.

Reasonable accommodation being one of the key affirmative measures for PWD.

2. POLICY STATEMENT

The Department is committed to ensuring that its policies and procedures do not deny employees and prospective employees with Disabilities, the opportunity to participate in, or benefit from, nor discriminate against on the basis of disability. Therefore, if an employee or a prospective employee requires to be reasonably accommodated or provided for with assistive devices, the Department will provide such a requirement unless such reasonable accommodation would impose unjustifiable hardship on the performance of the department, then the department need not accommodate such a person.

The provision of reasonable accommodation and assistive devices to employees and prospective applicants with Disabilities will be provided to ensure performance of essential functions of the positions to which they are applying for and in which they are employed and also to ensure the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms Persons with Disabilities.

3. OBJECTIVES

3.1 To facilitate the implementation of a programme for the provision of reasonable accommodation measures which include amenities and assistive devices to employees with disabilities which will in turn enable such

employees to fully participate in activities of Department acquisition and disposal of assistive devices within the Department.

3.2 Provision of transportation by departments to and from work for employees with Disabilities who cannot otherwise utilize the current public transportation system in line with Part X of PSCBC Resolution 3 of 1999.

3.3 Use of Personal Assistants and Caregivers by, and for employees with disabilities.

3.4 Reasonable accommodation measures and assistive devices during recruitment of employees with Disabilities.

3 DEFINITION OF TERMS

WORD	'DEFINITION
Accessibility	The extent to which aspects of society can be equally, easily, safely, and appropriately used or reached by people with special needs or impairments. Accessibility describes the extent to which an environment, service or product allows access to as many people as possible, in particular to ⁱⁱ People with disabilities (World Disability Report, 2011). These aspects include buildings, facilities, constructed spaces, transport, information, equipment, services, activities, resources, utilities, language, communication and technology.
Adaptations	Any adjustment or change enacted to accommodate a situation encountered by a ⁱⁱⁱ Person with a Disability guided by the needs and goals of that person.
Affirmative Action	The proactive recruitment of ^{iv} People with disabilities to implement the provisions of the Employment Equity Act (EEA) 55 of 1988.
Assistive devices	Any device, product, equipment, or tool that is designed or adapted to enable ^v Persons with Disabilities to participate in activities, tasks or actions. They may include: (i) Mobility Aids such as wheelchairs, crutches (ii) Communication Aids such as hearing aids, FM systems; (iii) Sensory Aids such as white canes; noise reducing headphones and coloured lenses (iv) Technology Aids such as computers for alternate and

	augmentative communication, screen readers, magnifiers, text in audio format.
Assistive technologies	It is an umbrella term that includes assistive, adaptive, and rehabilitative devices and services for Persons with Disabilities, which enable them due to their differences attain independence. They include for example, loop systems, sub texting and alternative input for cognitive assistance and computer or electrical assistive devices.
Barriers	Obstacles and impediments that prevent people from free movement, decision-making, association, and participation. Persons with Disabilities experience three main types of interrelated barriers: social (including high cost, lack of disability awareness, and communication difficulties); psychological (such as fear for personal safety); structural (including infrastructure, operations, and information) and environmental (physical, attitudinal and systems that limit functioning and create disability).
Braille	A system of writing for individuals with visual disabilities that uses letters, numbers and punctuation marks made up of raised dot patterns. It was the first digital form of writing.
Communication	Communication includes languages, display of text, Braille, tactile communication, large print, and accessible multimedia as well as written, audio, plain-language, lip-reading services, speech reading services, whisper interpretation, note-taking services, and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.
Disability	The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) recognises disability as an evolving concept. Disability is imposed by society when a person with a physical, psychosocial, intellectual, neurological and/or sensory impairment is denied access to full participation in all aspects of life, and when society fails to uphold the rights and specific needs of individuals with impairments. It is a long-term physical, mental, intellectual, or sensory impairment which limits prospects of entry into, or advancement in employment.
Disabled People's Organisations	Organisations constituted to lobby for the protection of human rights for people with disabilities. The membership comprises of predominantly People with Disabilities and their families.

Disclosure of disability	This is a voluntary notification by an employee to an employer that the employee has a disability. Disclosure is sometimes an issue for people who have a non-evident disability. These disabilities may range from a minor sensory impairment to epilepsy and diabetes, including cognitive disabilities such as dyslexia as well as psychiatric disabilities.
Discrimination	Discrimination is any act or omission, including a policy, law, rule, practice, condition, or situation which directly or indirectly (a) imposes burdens, obligations, or disadvantages on; and/or (b) withholds benefits, opportunities or advantages from, any person on one or more of the prohibited grounds, which include disability and any other ground that might disadvantage a person, undermines human dignity or adversely affects an individual's rights and freedoms.
Equality	Equality is the removal of discrimination that ensures all opportunities and life chances are available to Persons with Disabilities on an equitable basis with others. 'Equality' under the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA) includes "the full and equal enjoyment of rights and freedoms as contemplated in the Constitution and includes de jure and de facto equality and also equality in terms of outcomes".
Exclusion	Exclusion refers to the act of socially isolating or marginalizing an individual or groups based on discrimination by not allowing or enabling them to fully participate and be included in society and enjoy the same rights and privileges. This devaluation of and exclusion of individuals or groups results in keeping "others" outside from the prevailing social system and thus restricting their access to material, social, economic, and political resources, and rights.
Full participation and equality	Equal participation would take place if equalization of opportunities to participate is provided through measures to enhance accessibility. Emphasis is on care, protection and assisting People with Disabilities in adapting to "normal" social structures, to social models with their focus on empowerment, participation and modifications of environments to promote equalization of opportunities for all. Technological advances in the physical environment are reflected in the expanded range of materials

	that promote accessibility for all in terms of ease of use, durability and ergonomic design, and accessible media.
Impairment	<p>The term impairment is used to refer to the loss or limitation of physical, physiological, intellectual, psychosocial, psychological or sensory function on a long-term/ permanent or temporary basis. An impairment which is associated with a cause does not imply illness or a disorder.</p> <p>Impairment is a perceived or actual feature in the person’s body or functioning that may result in limitation or loss of activity or restricted participation of the person in society with a consequential difference of physiological and/or psychological experience of life.</p>
Intellectual disability	<i>Intellectual/ Cognitive disability</i> is a disability characterized by significant limitations in both intellectual or cognitive (reasoning, learning, problem solving) functioning and in an adaptive behaviour, which covers many everyday social and practical skills. This disability may originate before the age of 18 or because of a brain injury.
Inclusion	Inclusion is regarded as a universal human right and aims at embracing the diversity of all people irrespective of race, gender, disability, or any other differences. It is about equal access and opportunities and eliminating discrimination and intolerance for all. It is about a sense of belonging: feeling respected, valued for who you are; feeling a level of supportive energy and commitment from others so that you can best fully participate in society with no restrictions or limitations. Inclusion implies a change from an ‘individual change model’ to a ‘system change model’ that emphasises that society has to change to accommodate diversity, i.e., to accommodate all people.
Inclusive Development	It is a rights-based process that promotes equality and the participation of the largest possible section of society, especially groups that face discrimination and exclusion. Inclusive development ensures that Persons with Disabilities are recognised as right-holding equal members of society, who are engaged and contributing to a development process for all.
Mandatory	Compulsory; must be done; commanded or ordered to act.

Personal Assistant Services	A range of services, provided by one or more persons and/or service animals, designed to assist an individual with a disability to perform daily activities that the individual would typically perform if the individual did not have a disability. Such services must be designed to increase the individual's control in life. It removes the element of discrimination and segregation by providing for equal participation. (Personal Assistants include amongst others personal aides, guides, lip-speakers, whisper interpreters, South African Sign Language (SASL) interpreters, note-takers, interpreters for Deaf-blind persons, sexual and intimacy assistants, service dogs, guide dogs).
Persons with Disabilities	Persons with Disabilities include those who have perceived and or actual physical, psychosocial, intellectual, neurological and/or sensory impairments which, because of various attitudinal, communication, physical and information barriers, are hindered in participating fully and effectively in society on an equal basis with others.
Reasonable Accommodation	Refers to any modification or adjustment to a job or working environment that will enable a person from a designated group to have reasonable access to or participate or advance in employment
Universal Design	The UNCRPD defines universal design as the design of products, environments, programmes, and services to be usable by all persons to the greatest extent possible without the need for adaptation or specialized design, including assistive devices and technologies for groups of Persons with Disabilities where these are needed.
'Unjustifiable hardship'	'Unjustifiable hardship' is an action that requires significant of considerable difficulty or expense. This involves considering, amongst other things, the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the business.

4 BACKGROUND

Throughout different societies, Persons with Disabilities have been historically discriminated against resulting in marginalisation and ignorance and a further systematic under-representation in the key areas of social, economic, and political life of any country.

Employees with disabilities are often not able to perform to the best of their abilities, often find themselves working in unsafe environments and non-conducive and are often subjected to increased stress levels due to ad hoc provisioning of reasonable accommodation measures aimed at reducing or removing barriers to their optimal performance in the workplace (DPSA, PRAAD Policy 2014).

This policy thus seeks to give clarity on the definition of disability in relation to the working environment as well as guide on reasonable accommodation measures to be adopted by the institution including assistive devices to be utilised to minimise or eliminate barriers encountered by Persons with Disabilities in the world of work to ensure their full integration.

5 LEGISLATIVE FRAMEWORKS

This Policy guideline must be read in conjunction with, and must include, amongst others, the following pieces of legislation, policies, procedures, guidelines, and other documents that relate to disability:

- The Constitution of the Republic of South Africa, 1996.
- The United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol signed and ratified without reservation in 2007.
- The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) 2000.
- Public Service Act, 1994.
- DPSA Reasonable Accommodation Guidelines
- White Paper on the Transformation of the Public Service, 1995
- The Employment Equity Act No. 55 of 1998.
- White Paper on Affirmative Action in the Public Service, 1998 and the Code of Good Practice on Employment Equity.
- The White Paper on the Rights of Persons with Disabilities, 9 March 2016
- White Paper on Integrated National Disability Strategy, 1997; 2011
- Code of Good Practice: Employment of People with Disabilities, 2015.
- Technical Assistance Guidelines on the Employment of People with Disabilities.
- The Job ACCESS Strategic Framework on the Recruitment, Employment and Retention of Persons with Disabilities in the Public Service, 2009
- Occupational Health and Safety Act, 1993

- National Building Regulations and Building Standards Act, 1977 and SANS10400-S
- The Labour Relations Act No 66 of 1995.
- PSCBC Resolution No. 3 of 1999, Remunerative Allowances and Benefits.
- Resolution 1 of 2007, Determination on Leave of Absence in the Public Service; and
- National Development Plan, Chapter 13, Building a Capable and Developmental State
- Local Government Municipal Systems Act No.32 of 2000
- The Disability Framework for Local Government-2015-202 (Draft)
- Public Finance Management Act, 1999 (Act No 1 of 1999)

6 DEFINITION OF DISABILITY IN THE WORKPLACE

The Code of Good Practice on Employment of People with Disabilities (the Code) defines disability focusing on the effect of a disability on the person in relation to the working environment, and not on the diagnosis or the impairment.

It further recognizes disability as a natural part of the human experience and in no way diminishes the rights of individuals to belong and contribute to the labour market.

In terms of the Code, people are considered as Persons with Disabilities if they satisfy the following criteria in the definition:

Having a **physical or mental impairment or a combination** of both.

- '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.
- 'Mental' impairment means a clinically recognised condition or illness that affects a person's thought process, judgement, or emotions.
- Having a disability- **which is long-term or recurring**.
- 'Long-term' means the impairment has lasted or is likely to persist for at least twelve months.
- 'Recurring impairment' is one that is likely to happen again and to be substantially limiting (see below). It includes a constant and chronic condition, even if its effects on a person fluctuate.
- 'Progressive conditions' are those that are likely to develop or change or recur.

People with progressive conditions or illnesses are considered as people with

disabilities once an 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 considered disabilities.

- Having a disability which **substantially limits** their prospects of entry into, or advancement in employment.
- An impairment is substantially limiting if, in its nature, duration or effects, it substantially limits the person's ability to perform the essential functions of the job for which they are being considered.
- Some impairments are so easily controlled, corrected, or lessened, that they have no limiting effects. For example, a person who wears spectacles or contact lenses do not have a disability unless even with spectacles or contact lenses the person's vision is substantially impaired.
- An assessment to determine whether the effects of an 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.
- 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.
 - An assessment may be done by a suitably qualified person if there is uncertainty as to whether an impairment may be substantially limiting.

8. PROVISION OF REASONABLE ACCOMMODATION MEASURES AND ASSISTIVE DEVICES FOR PERSONS WITH DISABILITIES IN THE WORKPLACE

- i. Reasonable accommodation describes any action taken in effort to minimise an attitudinal, physical, social or other barrier to facilitate a person's capacity to perform essential functions of the job.

- ii. Article 2 of the Convention on the Rights of Persons with Disabilities defines "reasonable accommodation" as **“necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.**
- iii. The provision of reasonable accommodation should be considered standard practice throughout all phases of the employment process, including:
 - **recruiting and selection,**
 - **in the workplace environment, in the way work is usually done,**
 - **evaluated and incorporated within rewards systems.**
 - **in the benefits and privileges of employment.**
- iv. The type of reasonable accommodation measures required for an individual employee with a disability depends on three main factors; namely:
 - a).the job and its essential functions;
 - b). the physical and communication barriers in the work environment; and the person’s specific impairment.
- v. The aim of providing reasonable accommodation is **to reduce the impact of the impairment of the person’s capacity to fulfil the essential functions of the job.**

REASONABLE ACCOMODATION includes but is not limited to:

- a) **Adapting existing facilities to make them accessible-e.g., removal of physical barriers-** building a ramp to ensure wheelchair access and making toilets accessible, identifying, and hiring venues that are accessible to people with disabilities for training sessions that are held outside the company.
- b) **Adapting existing equipment or acquiring new equipment including computer hardware and software.**
- c) **Re-organising workstations.**
- d) **Restructuring jobs so that non-essential functions are re-assigned.**
- e) **Adjusting working time and leave: (flexible working hours) e.g., the employer may adjust working hours without compromising the core functions of an employee**
- f) **Providing specialised supervision, training, and support in the workplace e.g.,** making available, Sign Language Interpreters, providing training materials on request in electronic format, Braille or on tape for people with visual disabilities.
- g) The employee with a disability should always be consulted and allowed to provide inputs with regards to the most suitable reasonable accommodation measures, subject

to it being motivated within the context of 9.2.1 and 9.2.2. In the case of doubt or difference, it is recommended that professional services should be utilized in order to arrive at the appropriate measure.

- h) Employers should adopt the most cost-effective means that is consistent with removing the barriers to perform the job, and to enjoy equal access to the benefits and opportunities of employment.
- i) The Code states that if reasonable accommodation for a qualifying applicant or an employee with a disability would impose unjustifiable hardship on the performance of the department, then the department need not accommodate such a person.
- j) Whenever a request for reasonable accommodation or assistive device is declined, such a refusal to provide reasonable accommodation or assistive device by the employer must always be in writing, stating the reasons why the request has been declined and such records should be kept safe. A copy of any refusal should be submitted to the Department of Public Service and Administration; and
- k) An employee with a disability whose request for reasonable accommodation or assistive devices has been declined must be afforded an opportunity to make representations to the Head of Department or Head of Institution against the decision not to provide reasonable accommodation measure or assistive device and the Executive Authority must be the final arbitrator.
- l) The Technical Assistance Guidelines on the Employment of Persons with Disabilities, documented by the Department of Labour in 2004, provides practical examples of ways to ensure reasonable accommodation and equality for Persons with Disabilities in the workplace.

9. DISCLOSURE

1. The need for reasonable accommodation and assistive devices arises when a person who is an applicant or employee **voluntarily discloses** a disability or when such a need is **reasonably self-evident** to the employer.
2. The applicant or employee with a disability may choose to disclose their disability, impairment and related accommodation requirements at any time in the employment process. However, if the Person with a disability chooses not to disclose, the employer may not be aware of the needs of the employee, especially if the

impairment is not self-evident. In this case, the employer is not obliged to provide the accommodation.

3. If the disability, however, is self-evident, then the employer can reasonably be expected to be aware and to be proactively involved in identifying with the applicant or employee what accommodation may be required.
4. The employers must also accommodate employees when the **work or the work environment changes, or the impairment varies** which affects the employee's ability to perform the essential functions of the job.
5. Reasonable accommodation may be temporary or permanent, depending on the nature of impairment and its effect on the person as well as on the job and the working environment, and reasonable accommodation is not the same to all persons with disabilities.

DEPARTMENTAL DISCLOSURE FORM (Attached as Annexure A)

10. SCOPE OF APPLICATION

The policy applies to the Eastern Cape Cooperative Governance and Traditional Affairs (ECCOGTA) Provincial office and District Support centres in the following categories:

- 10.1 HOD
- 10.2 DDG's
- 10.3 Chief Directors
- 10.4 Senior Managers
- 10.5 Line Function Managers
- 10.6 Supervisors / Employees
- 10.7 Interns, and
- 10.8 Job Applicants

11. CATEGORIES OF ASSISTIVE DEVICES AND SERVICES

Assistive devices fall into two broad categories which are:

- 11.1 **"Independent living-related" assistive devices:** These devices are specific to the employee they are prescribed and can only be used by that individual employee for purposes of independent living. These include, amongst others, artificial limbs, hearing devices, prostheses, wheelchairs, white canes. They

provide support with all aspects of a person's life, including personal independence. *It is not the responsibility of the employer to provide this category of devices;* and

- 11.2 **"Employment related" assistive devices.** These devices provide specific support in the context of employment. Without these, an employee would not be able to perform his or her functions, or the quality thereof may be gravely compromised by the lack of such devices or reasonable accommodation measures, for example but not limited to, Dictaphone, Computer with voice activation, Note taker, Magnifier, Wheelchair, Telephone typewriter etc.

12. PROCUREMENT AND TRANSFER / DISPOSAL OF ASSISTIVE DEVICES

- 12.1 The procurement and disposal of assistive devices shall be executed in line with Section 38(1) (a) (iii) of the Public Finance Management Act, which maintains the implementation of appropriate procurement and provisioning system that is fair, equitable, transparent, competitive and cost effective.
- 12.2 The transfer of assistive devices from one department to another shall be handled in terms of Section 42 of the Public Finance Management Act and Treasury Regulations. Persons with Disabilities shall be accountable for assistive devices, similarly with any other departmental asset.

13. UTILISATION, REPAIRS AND MAINTENANCE OF ASSISTIVE DEVICES

- 1) Employees with disabilities shall be personally liable for the repairs and maintenance of their personal assistive devices;
- 2) The employer shall be responsible for the routine maintenance and repairs of employment related assistive device; and
- 3) In case of the utilisation, repairs, and maintenance of assistive devices:
 - 13.3.1. Where an employee must undergo training related to the use assistive device such as an employee with a visual impairment who must go for training with his/her guide dog, this employee would be treated like any employee attending training governed by the Human Resource Development Policy; and
 - 13.3.2. Where an employee must undergo training to utilize equipment to access

the workplace and to perform the job the same should be treated as official training while on duty.

14. PERSONAL ASSISTANTS AND CAREGIVERS

14.1. Some employees with certain types of Disabilities may require the services of personal assistance due to the nature of their disabilities. Assistance, in addition to any assistive device that has been provided to an employee with a disability could be in the form of a person who assists the employee with a disability. Such persons who assist employees with disabilities could be categorized into two:

14.2.1. **Personal Assistant:** in the context of disability management within the workplace: this would be a person who provides work-related services to an employee who needs such a service because of the nature and / or seriousness of a disability, the services of a personal assistant must be provided by the employer to enable the employee with a disability to discharge his or her duties

14.2.2 Specialist services may be utilized to establish whether a need does exist for the provision of such a personal assistant; and

14.2.3 Caregiver This is a person who provides services of a personal nature to an employee with a disability. A caregiver at home can be utilized to assist even at the working environment. This would include, amongst others, feeding, taking an employee to the bathroom, clothing, etc. An employee with a disability who needs the services of a caregiver must be responsible for such a caregiver as services provided are of a personal nature (not work-related).

15. THE ROLES AND RESPONSIBILITIES

15.1. The **employer** shall:

- i. Comply with obligations of the Employment Equity Act, including provisions of reasonable accommodation without unjustifiable hardship.
- ii. provide reasons for unjustifiable hardship where applicable.
- iii. develop an application guideline with criteria for the qualification for an assistive device by the employee with a disability.
- iv. maintain an updated database of successful and unsuccessful applicants for assistive devices.
- v. facilitate a service contract for the different suppliers.

- vi. provide professional assessment, in the instance where the person with disability does not know his/her exact requirements for an assistive device, or on specific request, by suitably trained staff in the relevant field.
- vii. assist with information, regarding the assistive device and maintain and update the data base of suppliers of assistive devices.
- viii. work in collaboration with disabled people's organisations to improve service.

15.2. The employee shall:

- i. apply for an assistive device through the line manager; and
- ii. undertake to care for the assistive device and use it for the purpose which it was intended to.

15.3 Senior Managers - at programme level shall:

- i. allocate budget for disability management within their Directorates; and
- ii. facilitate training, re-assignment and re-skilling of employees with Disabilities who acquire delivery and access to assistive devices, including employment opportunities.

15.4 The Special Programmes Unit shall:

- i. give guidance regarding the relevant regulatory frameworks.
- ii. advise on assistive devices to be utilised or reasonable accommodation measures required.
- iii. monitor and report on the implementation of reasonable accommodation and provision of assistive devices.

15.5 The Employee Health and Wellness Programme shall:

- i. provide psychosocial support to the affected employee with a disability upon referral- directly or indirectly.
- ii. make the necessary recommendations.

16. TRANSPORTATION OF EMPLOYEES WITH DISABILITIES TO AND FROM THE PUBLIC SERVICE WORKPLACE

16.1. The operation of reasonable accommodation measures for Persons with Disabilities commences when an employee with a disability enters the workplace up until when he or she leaves the workplace.

16.2. With due consideration to the provisions contained in Part X of PSCBC Resolution 3 of 1999:

- i. The employee with disability is responsible for his/her transportation and transportation costs to and from work.
- ii. The Head of Department must explore options, including effecting that he/she negotiates the amendments to the departmental policy (as required in terms of clause 2 of Part X of the PSCBC Resolution 3 of 1999) to provide transportation to its employees with disabilities who, as a result of the gravity of their disability, may not otherwise be able to utilize public transport, and who may not be able to drive nor qualify for any government subsidized transport;
- iii. Noting the obligation that Part XI of the PSCBC Resolution 3 of 1999 places on the employer to meet the reasonable costs of travel for official purposes and on an Executive Authority to have a written policy on among other acceptable means and class of transport, the Executive Authority shall ensure that:
 - iv. One or some of the departmental vehicles are specially adapted for use by employees with disabilities.
 - v. The employees with disabilities shall be provided with appropriate transport or transported to and from an airport if the employee must fly to other local and international destinations for official duties and local prospective employees.
 - vi. The employee with disabilities shall be permitted to utilize an airline and class of travel that can accommodate his/her disability.

17. BUDGETING AND RESOURCE ALLOCATION

1. All programmes are required to budget for reasonable accommodation and other measures for applicants and / or employees with disabilities, inclusive of the recruitment, appointment, and retention processes.
2. Programme managers need to allocate adequate resources in the
3. MTEF for provision of an enabling environment for Persons with Disabilities.
4. The costing of reasonable accommodation measures is subject to, among others:
 - i. Individual needs of the employee with a disability.
 - ii. Existing physical, attitudinal and communication barriers in the working environment.
 - iii. Inherent job requirements of the post; and

- iv. Price fluctuations, especially in a non-competitive environment where procurement of a large number of devices are subject to sole providers.
5. The Accounting officers are therefore required to make some provisioning on their annual budgets, linked to, among others:
6. The number of existing employees with disabilities and their reasonable accommodation requirements; and
7. Interventions detailed in the Department's Equity Plan submitted annually to the Department of Labour.
8. The Strategic Human Resources Plan of every Department should elaborate on reasonable accommodation measures.

18. GENERAL ISSUES

- a. The provision of reasonable accommodation measures commences with recruitment and terminates upon exit from the public service.
- b. An employer has an obligation to enquire about the reasonable accommodation needs of a candidate with a disability during the interview process;
- c. On appointment, an employee with a disability can only commence with duties when reasonable accommodation needs have been met, or the necessary assistive device has been acquired and provided to him or her.
- d. All disciplinary proceedings involving Persons with Disabilities must take into account all reasonable accommodation needs of the employee with a disability that may include the following: sign language interpreter, charges being in an accessible format for a person with a visual disability e.g. Braille or some other format which is accessible for employees with visual impairment; or accessible venue or facilities for employees with a physical disabilities.

19. REVISION OF THE POLICY

This policy shall be reviewed after five years.

22. CONSEQUENCE ON NON-ADHERENCE

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.

EFFECTIVE DATE

This policy shall take effect after the first day of signature.

ⁱ All definitions contained in this document are as per the Disability legislative frameworks i.e. UNCRPD, WPRPD

ⁱⁱ People with disabilities: World Disability Report

ⁱⁱⁱ Persons with Disabilities: The Code of Good Practice on Employment Equity Act states that People are considered as Persons with Disabilities who have a physical or mental impairment; and the impairment is long-term or recurring and the disability substantially limits their prospects of entry into, or advancement in employment.

^{iv} People with disabilities as defined by Employment Equity Act.