# FRAMEWORK TO ENHANCE THE PARTICIPATION OF PERSONS WITH DISABILITIES IN THE EPWP



**public works & infrastructure**

Department:
Public Works and Infrastructure
**REPUBLIC OF SOUTH AFRICA**

**ILO** International Labour Organization

**EXPANDED PUBLIC WORKS PROGRAMME**

# FRAMEWORK TO ENHANCE THE PARTICIPATION OF PERSONS WITH DISABILITIES IN THE EPWP

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| **Name of Policy:** | **Framework to enhance the participation of Persons with Disabilities in the EPWP** |
| **Name of Branch:** | **Expanded Public Works Programme** |
| **Name of Chief Directorate/s Directorate:** | **Sustainable Livelihoods, Convergence and Compliance** |
| **Document type:** | **Framework** |
| **Policy number:** | **2024/01** |

**Approval of Policy**

| | |
|---|---|
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**Minister of Public Works and Infrastructure**
**Date of Approval: December 2024**

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# ACRONYMS

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|---|---|
| **ADHD** | Attention Deficit Hyperactivity Disorder |
| **CP** | Cerebral Pulsy |
| **CRPD** | Convention on the Rights of Persons with Disabilities |
| **DPO** | Disabled People's Organisation |
| **DPWI** | Department of Public Works and Infrastructure |
| **EEA** | Employment Equity Act |
| **EPWP** | Expanded Public Works Programme |
| **FEPPD** | Framework to Enhance the Participation of Persons with Disabilities |
| **ILO** | International Labour Organisation |
| **MD** | Muscular Dystrophy |
| **NDP** | National Development Plan (2030) |
| **OPD** | Organisations for Person with Disabilities |
| **POPIA** | Protection of Personal Information Act |
| **PWD** | Persons with Disabilities |
| **SASSA** | South African Social Security Agency |
| **TAG** | Technical Assistance Guidelines on the Employment of Persons with Disabilities |
| **WO** | Work Opportunities |
| **WPRPD** | White Paper on the Rights of Persons with Disabilities |

Framework to enhance the participation of Persons with Disabilities in the EPWP

# GLOSSARY OF TERMS

| TERM | DESCRIPTION |
|---|---|
| Designated Groups | Previously disadvantaged people of South African origin who are African, Indian, Coloured, female or a person with a disability. |
| Discrimination | It is any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly. It can (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. |
| Disability Discrimination | Discrimination based on disability is defined as any distinction, exclusion, or restriction of individuals based on their disability, which has the intention or result of preventing or negating the recognition, enjoyment, or exercise of all fundamental human rights and freedoms in the political, economic, social, cultural, civil, or other spheres, on an equal basis with others. It includes the denial of reasonable accommodations as well as all other forms of unjust discrimination, whether direct or indirect. |
| Disability Mainstreaming | Is a systematic integration of the priorities/ requirements of Persons with Disabilities across all sectors, the inclusion in implementation, monitoring and evaluation of legislation, standards, policies, rules and regulations and strategies. |
| "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. |
| Impairment | A perceived or actual feature in the person's body or functioning that may result in limitation or loss of activity or restricted participation in society with a consequential difference of physiological and/or psychological experience of life. Impairment is an absence of, or significant difference in a person's body structure or function or mental functioning. |
| Persons with Disabilities | Include those who have perceived and/or actual physical, psychosocial, intellectual, neurological and/or sensory impairments which, as a result of various attitudinal, communication, physical and information barriers, are hindered from participating fully and effectively in society on an equal basis with others. |
| "Personal" assistive devices | These devices are specific to the employee they are prescribed for and can only be used by that individual employee. 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. Save in instances where a person's disability has deteriorated over time whilst already in the employ of the Public Service, employees with disabilities using "personal" assistive devices can, upon request, be considered for other specialised reasonable accommodation measures or assistive devices that will consider their new circumstances. |
| Reasonable Accommodation | Refers to the necessary and appropriate modification and adjustments equipment, practices/policies that enable an employee with a disability to succeed in the workplace and enjoyment or exercise their human and fundamental rights, on an equal basis with others. |
| Rights-Holders | Refers to Persons with Disabilities participating in the EPWP. |

# PREAMBLE

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) seeks to promote, protect and ensure the full and equal enjoyment of all human rights by Persons with Disabilities. South Africa is party to the CRPD of 2006, which means that the country accepts all the legal obligations that are imposed by this instrument.

The Republic of South Africa's Constitution (Act No. 108 of 1996) upholds the rights and dignity of Persons with Disabilities, promotes opportunity equality for them, and encourages their social integration within the Framework of a human rights Framework.

The Constitution of South Africa further places a positive duty on the state to uphold this through the legal framework, which creates primary responsibilities on all government departments. Therefore, this will imply that all public bodies implementing the Expanded Public Works Programme (EPWP) across all the three spheres (national, provincial, and municipal) of government must promote and protect the rights of Persons with Disabilities.

# 1. PURPOSE AND BACKGROUND

## 1.1 Purpose of the Framework

The purpose of this Framework is to guide all the public bodies implementing EPWP on the following:

a) Mainstreaming the participation of Persons with Disabilities in the programme
b) Eliminating unfair discriminatory practices when dealing with Persons with Disabilities
c) Developing a criterion for identifying Persons with Disabilities in EPWP
d) Designing projects that are inclusive of, and accessible to, Persons with Disabilities in EPWP and
e) Advising public bodies on best practice guidelines for reasonable accommodating Persons with Disabilities

## 1.2 Target Users of the Framework

The target users of this Framework are all public bodies involved in the coordination and implementation of the EPWP across all the spheres of government including Non-Profit Organisations.

## 1.3 Background

Launched in 2004, the EPWP is a flagship national government-led initiative offering employment opportunities and income support to the underprivileged, unemployed, and poor, thereby promoting development through the delivery of public and community assets. The EPWP is a significant channel for absorbing labour and a powerful social and economic inclusion instrument. All spheres of government are required to use their line function budgets to deliver services, build assets, and generate work opportunities for the unemployed and poor people.

In line with indicators specific to disabilities, one of the goals of South Africa's Policy Framework on Disability is to "recognise and accept their vital role in implementing all policies, programmes, and projects which address the needs of Persons with Disabilities and their families or caregivers." Therefore, to increase the participation of Persons with Disabilities in the EPWP and to investigate why the programme was not meeting the set targets of Persons with Disabilities, the Department of Public Works and Infrastructure (DPWI) and the International Labour Organization (ILO) commissioned a research study in 2021. The research study revealed that most strategies in the programme pay little to no attention to disability issues, and when they do; they do so in general terms as a part of the broad categorisation of "designated groups" or other categories.
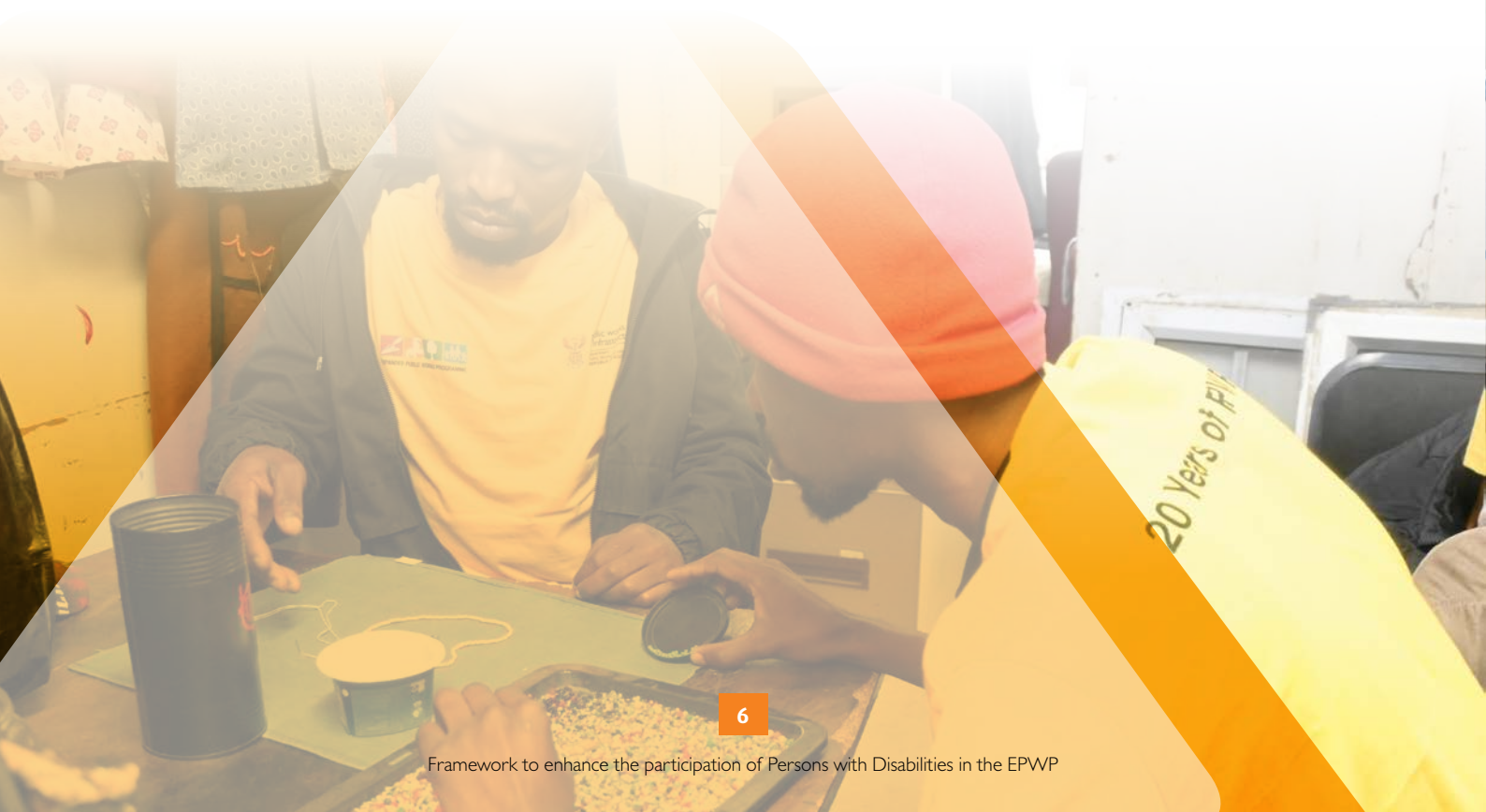
The study results were then used to develop a Framework that will direct public bodies to assist in building an equitable, empowering, and inclusive environment in which persons with a disability have an equalised opportunity to participate in, and benefit from, the EPWP programme. As a minimum requirement, a 2% representation of Persons with Disabilities (rights holders) should participate in employment opportunities within EPWP. This document will be referred to as the "Framework to Enhance the Participation of Persons with Disabilities in EPWP (FEPPD)" from this point forward.

## 1.4    Principles Governing the Framework

The Constitution of the Republic of South Africa, the United Nations Convention on the Rights of Persons with Disabilities, the White Paper on the Rights of Persons with Disabilities, the National Development Plan (NDP), and other legislative directives serve as the foundation for the broad principles that underpin this Framework. These legislative directives underpin the promotion and protection of the rights of Persons with Disabilities in all spheres of life. They aim to promote equality by creating equal opportunities and eradicating all forms of discrimination. The following are the principles that this Framework upholds:

- Respect for the human dignity of Persons with Disabilities
- General access to service delivery, information and the physical environment
- Equality of opportunity for both men and women with disabilities
- Full and effective participation by and inclusion of Persons with Disabilities in society
- The need to contribute to changes in negative attitudes and cultural beliefs about disability across all spheres of government, in communities and in the workplace.

Framework to enhance the participation of Persons with Disabilities in the EPWP
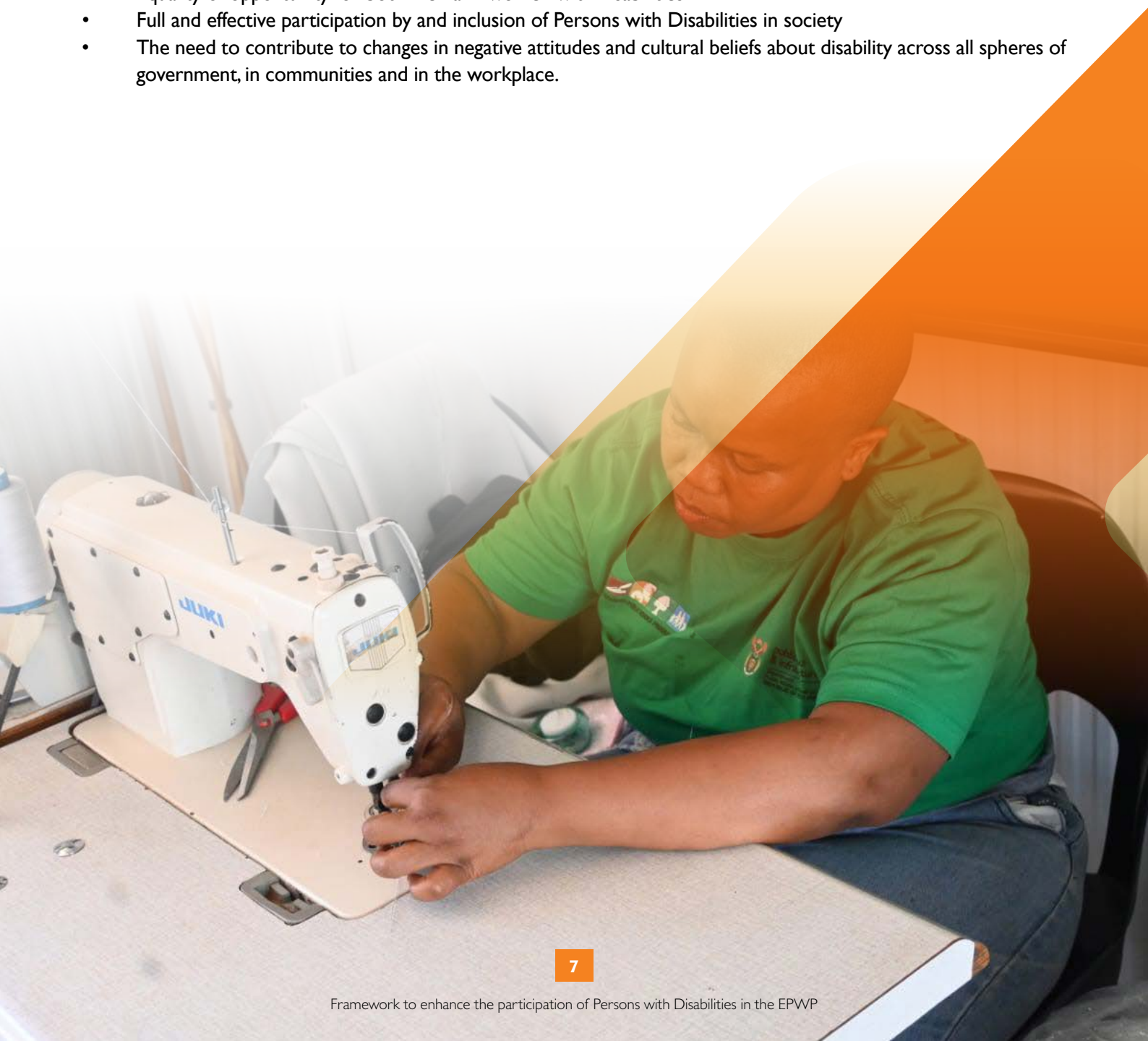
## 2. APPLICABLE LEGISLATIVE PRESCRIPTS

South Africa is a signatory to international law accords pertaining to the rights of Persons with Disabilities, and its domestic legislation guarantees those rights. The relevant frameworks for the inclusion of Persons with Disabilities are as follows:

### 2.1 The Constitution of the Republic of South Africa, 1996

The *Constitution of the Republic of South Africa, 1996* states "everyone is equal before the law and has the right to equal protection and benefit of the law". The provision affirms the rights of Persons with Disabilities to equality, non-discrimination, and dignity, and recognises South African Sign Language as the first language of Deaf South Africans.

### 2.2 Employment Equity Act No. 55 of 1998

The purpose of this Act is to achieve equity in the workplace by promoting equal opportunities and fair treatment in employment through the elimination of unfair discrimination.

### 2.3 White Paper on the Rights of Persons with Disabilities

The overarching purpose of this White Paper on the Rights of Persons with Disabilities (WPRPD) is to provide a mainstreaming trajectory for realising the rights of Persons with Disabilities through the development of targeted interventions that remove barriers and apply the principles of universal design.

### 2.4 The National Development Plan: 2030 Vision

The National Development Plan (NDP), approved in 2012, envisages a country by 2030, which has eliminated poverty and has reduced inequality, a "*country wherein all citizens have the capabilities to grasp the ever-broadening opportunities available*".

The NDP acknowledges that many Persons with Disabilities are not able to develop to their full potential due to a range of barriers, namely physical, information, communication and attitudinal barriers and states that "*Disability must be integrated into all facets of planning, recognising that there is no one-size-fits-all approach*".
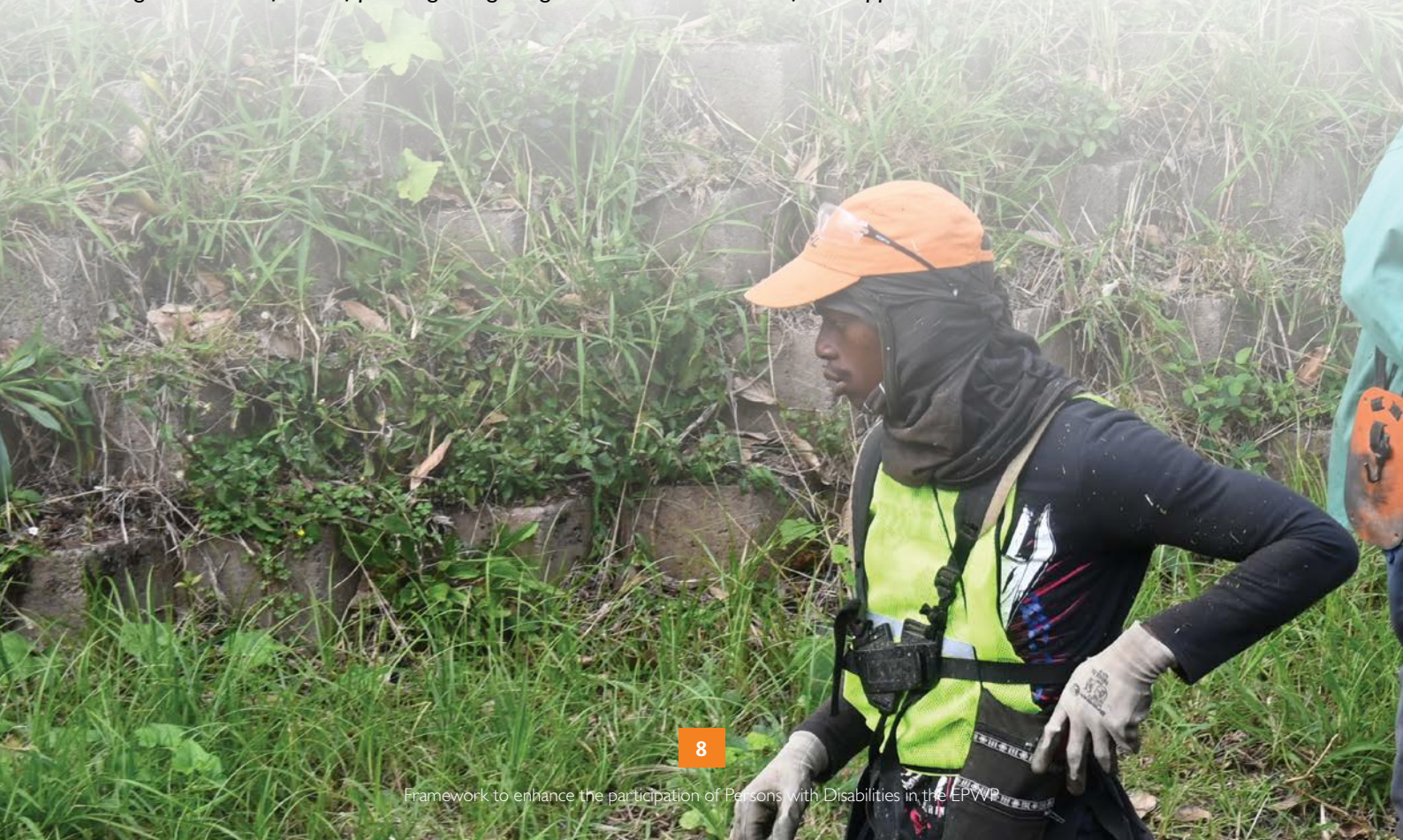
## 2.5	The United Nations Convention on the Rights of PWDs (UNCRPD)

The UNCRPD is an international human rights instrument, which promotes and protects the rights of Persons with Disabilities. It is a human rights legal instrument premised on the pillars of a rights-based approach to express linkage to human rights, accountability, empowerment, and participation. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedom by all Persons with Disabilities, and to promote respect for their inherent dignity.

## 2.6	The 2030 Agenda for Sustainable Development Goals (SDGs)

Through its 17 SDGs, a framework to guide international community, countries, and local communities, toward the achievement of disability-inclusive development is provided.

## 2.7	The Code of Good Practice for Employment and Conditions of Work for EPWP (2011)

The Code of Good Practice contains the standard terms and conditions for workers employed in the elementary (unskilled and semi-skilled) occupation of the EPWP.

## 2.8.	Technical Assistance Guidelines (TAG) on the Employment of PWDs

The purpose of TAG is to assist employers, employees, trade unions and Persons with Disabilities to understand the Employment Equity Act of 1998 and it is a Code of Good Practice on the Employment of Persons with Disabilities. The legal requirement is that all designated employers should "reasonably accommodate the needs of Persons with Disabilities." This is both a non-discrimination and an affirmative action requirement. The aim of this accommodation is to enable the person to perform the essential functions of the job.

# 3. UNDERSTANDING DISABILITY AND IMPAIRMENT

## 3.1 Definition

Disability is not defined in a way that is agreed upon by everyone. The definition of disability is socially constructed and shaped by culture and individual perspectives. As a result, various approaches are undertaken, or solutions are offered to address or act on the disability issue.

In the UNDP Toolkit on Disability for Africa, the preamble recognises that "disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others."

The Employment Equity defines disability as a person who has a long-term or recurring physical or mental impairment, which substantially limit their prospects of entry into or advancement in employment. Notwithstanding the fact that different people define disability differently, especially in terms of differences in emphasis or wording, most rights-based definitions of disability include a few key components, which include:

a) The presence of impairment
b) Internal or external limitations or barriers which hinder full and equal participation which typically places an individual at a disabling disadvantage as a consequence
c) Loss or lack of access to opportunities due to environmental, socio-political, communication, organisational or economic barriers
d) Negative perceptions and attitudes of society which impose restrictions or limitations on equalised participation
e) Disabilities can be permanent, temporary, or episodic.

Disability types are broad categories based on functional impact and do not fully reflect individuals' abilities or experiences. Many disabilities are invisible. Some are influenced by physical and or mental impairments, which, in interaction with barriers, may hamper or reduce a person's ability to conduct day-to-day activities within certain contexts. To facilitate understanding of the broad range of disabilities, the following broad categories can be referenced below:

## 3.2 Main Types of Disability

Disability can be mild, moderate, or significant. Examples include, but are not limited to:

a) A **mobility impairment** which may limit a person's physical functioning, usually either their mobility, dexterity, height, or stamina
b) An **intellectual impairment** may impact on judgment, problem solving or learning processes, and could include difficulties with communication, social skills, and self-direction
c) A **psychiatric or psychosocial impairment**, which may affect the way a person thinks, feels, and behaves which may affect their ability to concentrate or manage stress. Examples could include bipolar disorder, depression, anxiety, and personality disorders
d) A **cognitive or neurological impairment** may impact on problem solving , processing of information, changes to behaviour or sensory processing, difficulty with memory, concentration, or communication
e) **Neurodiversity** could include autism or Asperger's which affects the way information is taken in and stored in the brain, and may include difficulties in communication, social interactions, restrictive behaviour and or sensory sensitivities (e.g. over or under sensitivity to sight, touch, taste, smell, sound, temperature, or pain.
f) **Hearing impairment and Visual impairment** - which refers to difficulties with sensory perception. Hearing impairment or hearing loss, ranges from mild to profound, affecting a person's ability to hear sounds. While vision impairment refers to a deficiency in one or more functions of the visual system, such as visual acuity, visual field, or color vision.

### 3.3    Assessing whether an Impairment Constitutes Disability

When assessing whether the impairment constitutes a disability, against the qualifying criteria used to make a judgement. The TAG outlines three basic qualifying criteria to determine if a person is considered a person with a disability within the labour context - and provides guidelines to assist in the application and understanding of these criteria:

i.    **There must be an Impairment**
An impairment may either be physical or mental or a combination of both. A 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.

A mental impairment is a clinically recognised condition or illness that affects a person has thought processes, judgement or emotions. This includes conditions such as intellectual, emotional and learning disabilities. For reasons of public policy, certain conditions or impairments may not be considered as disabilities.

ii.    **The Impairment must be Long-term or Recurring**
Long-term means the impairment has lasted for or is likely to persist for at least twelve months. Recurring means the impairment in one that is likely to happen again and when it does, it is substantially limiting. The condition may disappear temporarily but can return, continuing to hinder equal access to education or employment. It includes a constant chronic condition, even if its effects on a person fluctuate, such as is the case in some forms of multiple sclerosis.

Progressive conditions are those that are likely to develop, change, or recur. People with progressive conditions or illnesses are considered as Persons with Disabilities once the impairment starts to be substantially limited in that it places the individual at a disabling disadvantage in terms of equalised access to, or advancement in, education or employment.

Progressive or recurring conditions which have no overt symptoms, or which do not substantially limit a person with no disabilities – for example, a person with cancer, tuberculosis or HIV would not be covered under the definition of disability until the symptoms substantially limit the person's ability to perform their job.

iii.    **The Impairment must be Substantially Limiting**
An impairment is substantially limiting if its nature, duration or effects substantially limit a person's ability to perform essential functions of the job for which he/she is being considered. If the effects of the impairment are not **substantially limited**, even if they are physical and/or mental, are long-term or recurring, then the person is not recognised as a person with a disability according to the Employment Equity Act definition. EPWP public bodies, in consultation with the disclosing individual, seek the assistance and advice of **relevant, appropriately qualified technical experts or professionals** to determine whether a particular impairment is substantially limiting (when assessed in relation to the essential requirements of the job).

## 4.    PROVISION OF REASONABLE ACCOMMODATION AND RECRUITMENT

This section focuses on the recruitment and selection procedures that public bodies should consider when identifying Persons with Disabilities for the EPWP, and how to make appropriate accommodations for participation. According to the EPWP Recruitment Guidelines, participants must be recruited in a fair, transparent, and responsible manner. EPWP focus on targeting and recruiting the poor, unemployed population in South Africa, of working age and status, prioritising the following designated groups – Youth, Women and Persons with Disabilities.

Persons with Disabilities in the EPWP should be targeted in line with the following targeting approaches:

- **Geographic targeting**: the focus is on poor communities and those with high unemployment rates among Persons with Disabilities
- **Community targeting**: based on transparent processes and criteria, communities select those most in need among Persons with Disabilities
- **Self-targeting**: the EPWP minimum-wage rate is used to ensure that Persons with Disabilities already in the formal workforce do not apply for EPWP work opportunities
- **Demographic targeting**: ensuring at least 2% work opportunities are allocated to Persons with Disabilities.

The basic criteria for selecting participants in EPWP are that they:

- Are willing and able to accept the offered work persons must apply or register for work in accordance with the manner specified by the recruiting body and be available to work on the dates as required by the project
- Are categorised as poor persons receiving social grants, including disability grants, are eligible to participate in EPWP
- Are unemployed live close to the project area

Participants should reside closer to the ward in which the project is to be implemented. In the event that there is an insufficient number of participants in the ward, then participants may be drawn from neighbouring wards (close to the project site) but may not exceed 20% of the total number of participants unless there are compelling reasons to do so.

Whilst Persons with Disabilities will be recruited through the general processes, special considerations and preference will be applied to enhance their participation in the EPWP.

Persons with Disabilities earning a disability grant are eligible to participate in the EPWP. This is because Persons with Disabilities usually experience higher out-of-pocket expenses due to the need for reasonable accommodation, support services, and may incur healthcare costs when looking for work. However, priority should be given to Persons with Disabilities not receiving any form of social relief grant.

### 4.1    Rationale for Providing Reasonable Accommodation

The National Strategic Framework on reasonable accommodation for Persons with Disabilities (2020) stipulates adequate accommodation must be made available for Persons with Disabilities in the workplace. It is important to note that reasonable accommodation is NOT special treatment but RATHER is both a non-discrimination and an affirmative action requirement. The aim of this accommodation is to enable the person to perform the essential functions by making enabling adjustments. This means that employers/public bodies must make modifications or adjustments to the work environment or the way work is performed that will enable participants with disabilities to perform the essential functions of their job, unless such accommodations would not be practically feasible or too expensive to provide.

Reasonable accommodation may take different forms and may require simple solutions such as changing a worker's work schedule to suit medical visits or as complex as arranging specialised software to assist a worker accomplish their job. The examples of reasonable accommodations below are indicative but not all-inclusive. It should be kept in mind that each reasonable accommodation must adhere to a set of standards (such as the elimination of obstacles, accessibility, and cost effectiveness) and should not pose an undue hardship.

### 4.1.1 Modifying Work Schedules or Providing Flexible Work Arrangements to Accommodate Participants Needs

Flexible start and end times are examples of flexible work arrangements. Employees with disabilities or chronic illnesses may need such schedules for medical appointments or to manage their conditions.

### 4.1.2 Providing Enabling Equipment or Technology to Assist a Participant in Performing their Job

This covers equipment, software, or assistive technology that helps participants with disabilities perform their jobs. For example, a participant with a hand injury may use an adaptive keyboard or mouse, while visually impaired participants could benefit from text-to-speech software.

### 4.1.3 Making Facilities or Buildings Accessible to Individuals with Disabilities

Employers must ensure their facilities are accessible to Persons with Disabilities by installing features like ramps, elevators, and accessible restrooms. They may need to provide adaptive furniture or modify workstations with adjustable desks or chairs. Regular environmental accessibility audits help identify and address barriers in the workplace, making accessibility a standard practice.

### 4.1.4 Providing Appropriate Forms of Auxiliary Aids

Employers should provide auxiliary aids—like sign language interpreters or real-time captioning—when needed to support participants with disabilities. For example, this may include offering interpreters for deaf participants or large print documents for visually impaired employees.

### 4.1.5 Allowing an Employee to Bring a Service Animal to work

Employers should allow workers with disabilities to bring service animals to work. Service animals assist with tasks such as guiding visually impaired employees or supporting those with mental health conditions. Employers must also provide appropriate accommodations, like a designated area for the animal to rest.

### 4.1.6 Reassigning Participants to Other Task if they are Unable to Perform their Current Task

If an employee can no longer perform their essential duties due to a new disability, employers should first look into reasonable accommodations or, if needed, consider reassigning them to suitable roles.

### 4.1.7 Modifying Work Policies or Procedures to Accommodate Participants with Disability Needs

Employers are encouraged to review and modify their policies, regulations, and practices to identify and eliminate barriers—whether direct or indirect, intentional, or unintentional—that may disadvantage individuals with disabilities. These measures should be applied across various business functions, including recruitment and selection, skills development, performance management, supply chain and procurement, customer service, infrastructural design, and related areas.

### 4.1.8 Providing Additional or Supervision to a Participant with a Disability

Employees with disabilities may need extra training or support from their employers to help them perform effectively. For instance, tailored training can benefit those with learning disabilities, while additional support may assist individuals with psychosocial disabilities in managing job-related stressors and their conditions.

### 4.1.9 Adjusting the Selection Process for Hiring or Promotion to Accommodate an Employee with a Disability

Employers should adapt recruitment processes to meet the needs of individuals with disabilities. This involves training all relevant staff in disability awareness, reviewing hiring practices for discrimination, and providing reasonable accommodations at every stage, such as extra time for assessments. Recruitment must be fair and inclusive for Persons with Disabilities.

The specific accommodation provided depends on both individual needs and job requirements. Employers should consult Persons with Disabilities to identify suitable accommodations and regularly review them to ensure they remain effective.

## 4.2    Principles of Reasonable Accommodation

### 4.2.1    Usability and Sustainability of Reasonable Accommodation

Where possible, reasonable accommodations should address individual needs while remaining practical for other employees. For instance, investing in shared equipment like a large monitor is more cost-effective than purchasing a specialised device for one person, benefiting current and future staff with similar requirements.

### 4.2.2    Promote Reasonable Accommodation beyond Compliance Requirement

The motivation should not just be compliance with mandatory requirements, but a desire to create an inclusive and equitable workplace. This can lead to an environment that is more accepting and accommodating of Persons with Disabilities, ultimately enhancing productivity and morale.

### 4.2.3    Ensure Thresholds are Based on the Nature of the Project or Programme

The level of reasonable accommodation should match a project's size and nature. Larger or higher-risk projects, such as those involving work at heights, need more resources and specialised measures for Persons with Disabilities. This approach helps ensure fair and adequate support across all project types.

### 4.2.4    Aligned towards Achievement of Employment Targets

Reasonable accommodation should be leveraged as a tool to enhance the achievement of employment targets for Persons with Disabilities. As the EPWP targets ensuring at least 2% of work opportunities are allocated to Persons with Disabilities, the provision of reasonable accommodation should be strategically designed to enable and enhance the participation of Persons with Disabilities. This could mean providing specific accommodations that enable Persons with Disabilities to perform essential job functions, thereby facilitating their employment and contribution to the increase on EPWP participants.

### 4.2.5 Ring-fencing of Budgets for Reasonable Accommodation

Public bodies should allocate part of their budget for reasonable accommodation for Persons with Disabilities. Dedicated funds guarantee resources are available and protected, reflecting a commitment to inclusion. Proactive budgeting helps integrate accommodations into project planning, rather than treating them as extra costs.

### 4.2.6 Assess Individual Needs Assessment

Disability varies for each person, so accommodations should match individual needs. A tailored needs assessment can identify suitable adjustments by considering impairments, job tasks, and circumstances. Accommodations should remove barriers, support effective job performance, and be reviewed regularly to ensure ongoing relevance.

### 4.2.7 Ensure Equal Opportunities and Non-discrimination

The principle of equal opportunity serves as the foundation for reasonable accommodation. The objective is to ensure that all employees, including those with disabilities, have equitable access to participation in and benefits from the EPWP. Accommodations should be implemented to the extent that they are technically feasible and financially sustainable, ensuring that Persons with Disabilities receive the same benefits and working conditions as their non-disabled colleagues. Both direct and indirect discrimination must be systematically addressed, and workplace policies should consistently support inclusivity and diversity.

### 4.2.8 Maintain Confidentiality of Participants Information

Employers must keep employees' medical details confidential and use them solely for providing reasonable accommodation.

### 4.2.9 Ensure Collaboration and Communication amongst Parties Involved

Effective reasonable accommodation relies on open communication between employers and participants. Employers should invite feedback, consider participants' needs, and collaborate to create suitable solutions. Ongoing engagement with disability organisations and stakeholders helps employers stay updated on best practices and legal requirements.

# 5.   COORDINATION MECHANISMS FOR MAINSTREAMING PWDS

## 5.1   Coordination of the EPWP

The coordination of the EPWP involves several different national departments, provincial departments, municipalities and some State-Owned Entities (SOEs). Below are the roles and responsibilities of different stakeholders in the EPWP.

## 5.2   Roles and responsibilities of key EPWP stakeholders

| ORGANISATION | ROLES AND RESPONSIBILITIES |
|---|---|
| Department of Public Works and Infrastructure (DPWI) | • Develop overall EPWP Framework on mainstreaming of Persons with Disabilities<br>• Provide guidance to participating public bodies on implementation of the Framework<br>• Monitor and evaluate the implementation of the Framework<br>• Conduct workshops to train public bodies and to raise awareness on the implementation of the Framework. |
| Lead Sector Departments | • Develop sector specific strategies on the implementation of the Framework<br>• Monitor and ensure the implementation of the Framework<br>• Raise awareness on the implementation of the Framework. |
| Provincial Department of Public Works | • Provide support on the rollout of the Framework<br>• Make use of the existing provincial coordination structures to discuss the implementation of Framework<br>• Raise awareness on the implementation of the Framework. |
| Implementing public bodies | • Plan, develop, and implement strategies and mechanisms to attract Persons with Disabilities in EPWP<br>• Create awareness for project designers and potential participants on how to proactively promote and facilitate equalised opportunities for Persons with Disabilities<br>• Implement EPWP programmes/projects towards creation of work opportunity targets whilst accommodating Persons with Disabilities<br>• Report on the EPWP Reporting System the work opportunities created for Persons with Disabilities including the nature of disability (in line with protocols of handling confidential matters). |

## 6.    MINIMUM PROJECT INFORMATION, CONFIDENTIALITY AND EMPLOYEE DISCLOSURE

### 6.1    Minimum Project Information

In line with Section 12 of the EPWP Ministerial Determination, public bodies are required to report to the EPWP Reporting System the following information of each work opportunity created in EPWP Projects.

- ID copy of workers
- Participants employment contracts
- Payment registers reflecting payments made per worker
- Daily attendance registers of participants.

In addition to this required information, for Person with Disabilities, the Project Managers must ensure project documentation contain the following:

- Type of disability
- Reasonable accommodation requirements
- Details of next of kin in case of emergency
- Physical address and contact details of participants.

For participants who have disclosed a disability, a self-declaration form, or an affidavit from relevant authority (such as a person registered by the Health Professions Council of South Africa), or any other form of evidence used by the participant to apply for the South African Social Security Agency (SASSA) disability grant must be provided.

### 6.2    Confidentiality of information

The Protection of Personal Information Act (POPIA) 4 of 2013 guides how personal information should be protected. The purpose of the POPIA is to give effect to the constitutional right to privacy by safeguarding personal information when processed by a responsible party, subject to justifiable limitations in terms of applicable legislation/law.

The Public Body may only gather private information relating to participants if it is necessary to achieve a legitimate purpose.

a)    The Public Body must protect the confidentiality of the information that has been disclosed and must take care to keep records of private information relating to the disability of applicants and participants confidential and separate from general personnel records

b)    Section 14 (4) of POPIA [1] states that a responsible party must destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after the responsible party is no longer authorised to retain the record

c)    The Public Body must comply with legislation such as the POPIA

d)    All responsible parties implementing, coordinating and reporting on the EPWP must ensure compliance with POPIA

e)    Parties providing personal information must clearly inform data subjects that DPWI will use the information for reporting purposes, and other EPWP programmes and projects should put measures in place to protect the personal information of data subjects.

### 6.3    Participant Disclosure

a)    A Person with Disability may choose to disclose their disability, impairment and related accommodation requirements at any time for, among other purposes, employment processes. To disclose disability status in EPWP, participants may use either the self-declaration form (Annexure 1) or medical certificate confirming the disability

b)   However, if a Person with Disability chooses not to disclose, and their reasonable accommodation needs are not catered for, especially if the disability is not self-evident, the Public Body is not obliged to provide the necessary accommodations. If the disability is self-evident, then it is reasonably expected, lawfully, for the Public Body to proactively discuss, with the Person with Disability, accommodations that may be required

(i)   Persons with Disabilities are entitled to keep their disability status confidential. However, if the Public Body is not aware of the disability or the need to be accommodated, the Public Body is not liable for consequences of not providing it

(ii)   If the Public Body disputes that the participant has a disability or that the participant requires accommodation, the Public Body may, in terms of the Employment Equity Act (EEA), provide a conditional job offer and request the employee to be tested (at Public Body's cost) to determine the employee's ability or inability to perform the essential requirements of the job with or without reasonable accommodation

(iii)   As information about disability may be technical, the Public Body must ensure that a competent person conducts an assessment (relevant to the job's essential requirements) and interprets the information. If the Public Body requires further information, it should be relevant to a specific job and its essential functions

(iv)   When assigning tasks to participants with different forms of impairment or disability, caution should be exercised to minimise unintended consequences such as prejudice and limiting chances for Persons with Disabilities in participating in the Programme

(v)   If accommodating the participant requires the cooperation of other employees, it will be necessary to reveal the fact of a person's disability, if it is not otherwise apparent, to some of the person's colleagues, particularly a supervisor or manager. The Public Body may not disclose any information relating to a person's disability without the written consent of the person concerned. The Public Body may, after consulting the person with a disability, advise relevant staff that the employee requires accommodation without disclosing the nature of the disability unless this is required for the health or safety of the Persons with Disabilities or other persons.

## 7.   OVERVIEW OF ANNEXURES

Whilst the main body of this Framework provides guidance on strategic issues and key implementation considerations, implementation details are elaborated in the following Annexures summarised below. The reader is encouraged to familiarise themselves with the provisions specified in the Annexures and customise, as necessary.

**Annexure 1**: Self-Declaration by Employee

**Annexure 2**: Examples of tasks that can be performed depending on the Nature of Disability per Sector

**Annexure 3**: Appropriate Terminology, Appropriate Etiquette and Universal Symbols on Disability

**Annexure 4**: Reasonable Accommodation- Whole Value-Chain

## 8.   CONCLUSION

This Framework defines key terms, relevant legislation, and strategies to increase the employment of Persons with Disabilities in the EPWP. It also details roles, responsibilities, and reasonable accommodation measures.

The main document and its Annexures offer templates and guidance that public bodies can adapt as needed. Public bodies should supplement this guideline at the implementation level with environment-specific information, while ensuring equity, fairness, and transparency for Persons with Disabilities.

| (Confidential) |
|---|
| **PLEASE READ THIS FIRST** |

**PURPOSE OF THIS FORM**

This form is used to obtain information from employees for the purpose of assisting employers in conducting an analysis on the workforce profile.

Employers should use this form to ascertain which employees are from designated groups in terms of the Employment Equity Act, 55 of 1998, asamended.

**WHO COMPLETES THIS FORM?**

Employees/participant should fill in this form.

**INSTRUCTIONS**

All employers/participants must ensure that the contents of this form remain confidential, and that it is only used to comply with the Employment Equity Act, 55 of 1998, as amended.

**PLEASE NOTE:**
'Designated groups,' mean Black people, women, and Persons with Disabilities who-
a) Are citizens of the Republic of South Africa by birth or descent; or
b) Became citizens of the Republic of South Africa by naturalisation –
(i) before 27 April 1994; or
(ii) after 26 April 1994 and would have been entitled to acquire citizenship by naturalisation prior to that date but who were precluded by Apartheid policies

'Persons with Disabilities' are defined in the Act 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.

*Please note that Persons with Disabilities have the right not to disclose their disability unless it is in line with the inherent requirements of the job.

1. Name of employee:

2. Employee workplace No: -------------------------------

**(This is the number that an employer/company/ organisation uses to identify an employee/ participant in the workplace.)**

3. Please indicate to which categories you belong with an 'X' below:

| Male | Female | Other |
|---|---|---|

| African | Coloured | Indian | White | Foreign Nationals |
|---|---|---|---|---|

If you are not a citizen by birth, please indicate the date you acquired your citizenship: -------------------

Person with a disability*

If yes, specify nature of disability:

4. I verify that the above information is true and correct.

Signed: -------------------------------------------------------
Employee

Date: -------------------------------------------------------

## Annexure 2: Examples of tasks that can be performed depending on the nature of disability per sector

| Sector | Programme | Type of Disability and examples of tasks that can be assigned |
|---|---|---|
| **Infrastructure Sector** | **Applicable to all programmes in the Sector** | **Person with amputation (one leg)**<br>Excavation, loading, unloading<br>Crushing of stone<br>Screening of material<br>Mixing of concrete and mortar<br>Construction of dry and mortared masonry work dressing of stone paving blocks<br>Supervision of work teams |
| | | **Person with amputation (two legs)**<br>Crushing of stone<br>Dressing of stone paving blocks<br>Weaving of gabion baskets<br>Preparation of stone for stone masonry work flagman<br>Cleaning and maintenance of tools |
| | | **Person who uses a wheelchair**<br>Crushing of stone<br>Dressing of stone paving blocks<br>Flagman<br>Cleaning and maintenance of tools<br>Construction, provided reasonable accommodation (e.g., 'stand up' wheelchair) is provided. |
| | | **Person with amputation (one hand or arm)**<br>**Flagman**<br>**Control of work team.** |
| | | **Person with a slight vision impairment (e.g., one eye without sight)**<br>All tasks<br>Tasks such as breaking stones, where further injury to eyes may occur are not recommended |
| | | **Person with a significant vision impairment**<br>'All tasks that do not require sight'<br>Depending on the severity of the condition:<br>Weaving gabion baskets<br>Cleaning and maintaining tools. |
| | | **Person who cannot speak**<br>Not all tasks, except tasks that require speech and related reasonable accommodation (e.g., Sign Language Interpretation (SLI) or related technology) are available. |

| Sector | Programme | Type of Disability and examples of tasks that can be assigned |
|---|---|---|
| **Environment and Culture** | Sustainable land- based livelihoods | Attention Deficit Hyperactivity Disorder (ADHD); Cerebral palsy (CP); Visual disability - partial or no sight; Deaf; Hard of Hearing; Deafblind; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Albinism; Short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |
| | *Comprehensive Agricultural Support/ Land Care* | Attention Deficit Hyperactivity Disorder (ADHD); Cerebral palsy (CP); Visual disability - partial or no sight; Deaf; Hard of Hearing; Deafblind; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |
| | *Working for Water* | Deaf; Hard of Hearing; Deafblind; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |
| | *Working on Fire* | Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons. |
| | *Working for Wetlands* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability. |
| | *Working for the Forest* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability. |
| | *Other (Greening, gardening, freshwater farming, etc.)* | Attention Deficit Hyperactivity Disorder (ADHD); Cerebral palsy (CP); Visual disability - partial or no sight; Deaf; Hard of Hearing; Deafblind; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |
| | **Coastal management:** Work related to: | |
| | *Working for the Coast* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability. |
| | *Working for Fisheries* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability. |
| | **Tourism and creative industries** Work related to: | |

Framework to enhance the participation of Persons with Disabilities in the EPWP

| Sector | Programme | Type of Disability and examples of tasks that can be assigned |
|---|---|---|
| | *Working for Tourism* | Attention Deficit Hyperactivity Disorder (ADHD); Cerebral palsy (CP); Visual disability - partial or no sight; Deaf; Hard of Hearing; Deafblind; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |
| | *Creative Industries* | Attention Deficit Hyperactivity Disorder (ADHD); Cerebral palsy (CP); Visual disability - partial or no sight; Deaf; Hard of Hearing; Deafblind; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |
| | *Museum Services* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Visual disability - partial or no sight, short stature- persons; Intellectual disability. |
| | *Cultural Services* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Visual disability - partial or no sight, Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability. |
| | *Language Services* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Visual disability - partial or no sight, Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability. |
| | *Heritage Services* | Deaf; Hard of Hearing; Visual disability - partial or no sight, Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability. |
| **Waste management** Work related to: | | |
| | *Working on Waste* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability. |
| | *Urban Renewal* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability. |
| | *Cleaning of Public Open Spaces* | Cerebral palsy (CP); Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |

| Sector | Programme | Type of Disability and examples of tasks that can be assigned |
|---|---|---|
| | *Recycling* | Attention Deficit Hyperactivity Disorder (ADHD); Cerebral palsy (CP);Visual disability - partial or no sight; Deaf; Hard of Hearing; Deafblind; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability;Autistic persons; Epilepsy; Short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |
| | **Parks and beautification** Work related to: | |
| | *People and parks* | Attention Deficit Hyperactivity Disorder (ADHD); Cerebral palsy (CP);Visual disability - partial or no sight; Deaf; Hard of Hearing; Deafblind; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability;Autistic persons; Epilepsy; Short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |
| | *Community parks* | Cerebral palsy (CP); Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability;Autistic persons; Epilepsy; Short stature- persons; Intellectual disability. |
| | **Sustainable energy** Work related to: | |
| | *Working for Energy* | Attention Deficit Hyperactivity Disorder (ADHD); Cerebral palsy (CP);Visual disability - partial or no sight; Deaf; Hard of Hearing; Deafblind; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability;Autistic persons; Epilepsy; Short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |
| | **Home Community- Based Care:** Work related: | |
| | *Drop-in-centres* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability;Autistic persons; Epilepsy; Short stature- persons;Visual disability - partial or no sight. |
| | *Community-based care services* | Visual disability - partial or no sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability;Autistic persons; Epilepsy; Short stature- persons |

| Sector | Programme | Type of Disability and examples of tasks that can be assigned |
|---|---|---|
| | *Health utilities* | Albinism, Visual disability - partial or no sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Malaria control* | Deaf; Hard of Hearing; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Behavioural change* | Albinism, Visual disability - partial or no sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | **Early Childhood Development:** Work related to: | |
| | *Child minders* | Albinism, Visual disability - partial or no sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *ECD practitioners* | Albinism, Visual disability - partial or no sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *ECD out of centre model* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability. |
| | *ECD learnerships* | Albinism, Visual disability - partial or no sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | **National School Nutrition Programme:** Work related to: | |
| | *Food handlers* | Albinism, Visual disability – partial sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Gardeners* | Visual disability – partial sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |

| Sector | Programme | Type of Disability and examples of tasks that can be assigned |
|---|---|---|
| | **Community Safety Programme:** Work related to: | |
| | *Community policing and patrolling* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Volunteer social crime prevention* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Schools' safety patroller* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Security guards* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Tourism safety monitors* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Traffic control/ point duty officers* | Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons. |
| | **Mass Participation Programme:** Work related to: | |
| | *School sports coordinators* | Visual disability – partial sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Community-based sports coordinators* | Deaf-blind; Albinism, Visual disability – partial sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *School sport coaches* | Depends on the nature of sports: Visual disability – partial sight, Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability. |
| | **Expansion/ New Programme:** Work related to: | |
| | *Pharmacy assistants* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |

| Sector | Programme | Type of Disability and examples of tasks that can be assigned |
|---|---|---|
| | *Record management officers* | Albinism; Deaf-blind; Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Facility assistants* | Deaf; Hard of Hearing; Physical disability - difficulty moving/ walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons. |
| | *Data capturers and admin support* | Albinism; Deaf-blind; Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Visual disability - partial or no sight. |
| | *Extra school support programmes* | Albinism; Deaf; Hard of Hearing; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Visual disability - partial or no sight. For learners with diverse disabilities. |
| | | Attention Deficit Hyperactivity Disorder (ADHD); Cerebral palsy (CP); Visual disability - partial or no sight; Deaf; Hard of Hearing; Deafblind; Physical disability - difficulty moving/walking/ other mobility; Psycho -social disability; Autistic persons; Epilepsy; Short stature- persons; Intellectual disability; Muscular Dystrophy (MD). |
| | *Non-Profit Organisations (NPO) Programme* | All Persons with Disabilities, working within NPO sector, based on their choice and ability to do the essential functions of the job. |
| | *Community Work Programme (CWP)* | Choice of work is based on the nature of opportunities available, individual interest and ability to do such work. All Persons with Disabilities, working within NPO sector, based on their choice and ability to do the essential functions of the job. |

The examples provided above for the type of work to be done is only applicable to persons with mild disabilities and not severe disabilities.

## Annexure 3: Appropriate Terminology, Etiquette, and Universal Symbols on Disability

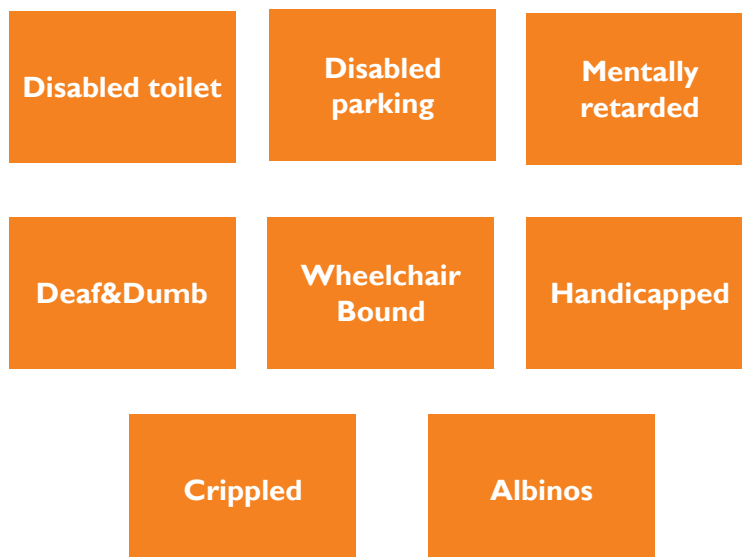### Appropriate terminology:

Use 'People first' language:
a)      People or Persons with Disabilities [not handicapped or crippled or living with disabilities]

People who:
a)      are Blind
b)      are Deaf [not deaf&dumb]
c)      have visual impairments
d)      have hearing impairment
e)      have intellectual disabilities
f)      have mental disabilities
g)      are wheelchair users [not wheelchair-bound]
h)      People with Albinism

### Inappropriate Terminology

Do not use the following terminology:

| | | |
|---|---|---|
| **Disabled toilet** | **Disabled parking** | **Mentally retarded** |
| **Deaf&Dumb** | **Wheelchair Bound** | **Handicapped** |
| **Crippled** | **Albinos** | |

**Do not use 'physically challenged persons', use 'Persons with Disabilities'**

**Other Inappropriate Words When Portraying Persons with Disabilities include:**

### DO NOT USE:

| | |
|---|---|
| **Victim** | – instead use person who has/experienced/with |
| **[The] Crippled]** | – instead use person with a disability |
| **Afflicted by/with** | – instead use person has |
| **Invalid** | – instead use: a person with a disability |
| **Normal** | – most people, including persons with disabilities, think they are not normal. Do not say "normal person" to refer to someone without a disability – say "Person without a Disability" if necessary |
| **Patient** | – connotes sickness. Instead use person with a disability |
| **Suffering from** | – instead use person had/experienced |

## AVOID USING:

**Wheelchair bound/confined** — instead use uses a wheelchair or wheelchair user
**Homebound employment** — instead use employed in the home

## USE WITH CARE:

Courageous, brave, inspirational and similar words are routinely used to describe Persons with Disabilities. Adapting to a disability does not necessarily mean someone acquires these traits.

**Did you know that there are good and bad etiquette?**

**Appropriate Etiquette:**

- Do not push someone's wheelchair without asking if the person requires assistance or help or without being asked to do so
- Do not grab a blind person's arm and move them along without asking if they want your help
- Do not pet a guide dog
- Talk directly [address] a person with a disability and do not talk at them or via their companion
- Do not shout to communicate with a deaf person
- Do not use overhead projectors for presentations to communicate to a blind person or a person with a visual impairment.
- When talking to a person using a wheelchair, bend/kneel down to eye-level contact-do not look down on a wheelchair user.

## Universal Symbols

Not everyone is fully able; some are born with disabilities, others acquire them through injury or age. All deserve access to our communities.

| | |
|---|---|
|  | **Access for Individuals Who Are Blind or Have Low Vision**<br>This symbol may be used to indicate access for people who are blind or have low vision, including: a guided tour, a path to a nature trail or a scent garden in a park; and a tactile tour or a museum exhibition that may be touched. (For other than Print or Braille). |

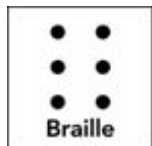| | |
|---|---|
| | **Symbol for Accessibility**<br><br>The wheelchair symbol should only be used to indicate access for individuals with limited mobility including wheelchair users. For example, the symbol is used to indicate an accessible entrance, bathroom or that a phone is lowered for wheelchair users. Remember that a ramped entrance is not completely accessible if there are no curb cuts, and an elevator is not accessible if it can only be reached via steps. |
| | **Telephone Typewriter (TTY)**<br><br>This device is also known as a text telephone (TT), or telecommunications device for deaf people (TDD). TTY indicates a device used with the telephone for communication with and between deaf, hard of hearing, speech impaired and/or hearing persons. |
| | **Volume Control Telephone**<br><br>This symbol indicates the location of telephones that have handsets with amplified sound and/or adjustable volume controls. |
| | **Assistive Listening Systems**<br><br>These systems transmit amplified sound via hearing aids, headsets, or other devices. They include infrared, loop, and FM systems. Portable systems may be available from the same audio-visual equipment suppliers that service conferences and meetings. |
| | **Accessible Print (18 pt. or Larger)**<br><br>The symbol for large print is "Large Print" printed in 18 pt. or larger text. In addition to indicating that large print versions of books, pamphlets, museum guides and theatre programmes are available, you may use the symbol on conference or membership forms to indicate that print materials may be provided in large print. Sans serif or modified serif print with good contrast is important, and special attention should be paid to letter and word spacing. |
| | **Sign Language Interpretation**<br><br>The symbol indicates that Sign Language Interpretation is provided for a lecture, tour, film, performance, conference, or other program. |
| | **The Information Symbol**<br><br>The most valuable commodity of today's society is information; to a person with a disability, it is essential. For example, the symbol may be used on signage or on a floor plan to indicate the location of the information or security desk, where there is more specific information or materials concerning access accommodations and services such as "LARGE PRINT" materials, audio cassette recordings of materials, or sign interpreted tours. |
| | **Closed Captioning (CC)**<br><br>This symbol indicates a choice for whether or not to display captions for a television program or videotape. TV sets that have a built-in or a separate decoder are equipped to display dialogue for programmes that are captioned when selected by the viewer. Also, videos that are part of exhibitions may be closed captioned using the symbol with instruction to press a button for captioning. |

| | |
|---|---|
| **OC** | **Opened Captioning (OC)**<br>This symbol indicates that captions, which translate dialogue and other sounds in print, are always displayed on the videotape, movie, or television program. Open Captioning is preferred by many including deaf and hard-of-hearing individuals, and people whose second language is English. In addition, it is helpful in teaching children how to read and in keeping sound levels to a minimum in museums and restaurants. |
| **Braille** | **Braille Symbol**<br>This symbol indicates that printed material is available in Braille, including exhibition labelling, publications, and signage. |
| **AD)))** | **Audio Description**<br>A service for persons who are blind or have low vision Audio Description makes the performing arts, visual arts, television, video, and film more accessible. Description of visual elements is provided by a trained Audio Describer through the Secondary Audio Program (SAP) of televisions and monitors equipped with stereo sound.<br>For live Audio Description, a trained Audio Describer offers live commentary or narration (via headphones and a small transmitter) consisting of concise, objective descriptions of visual elements: i.e., a theatre performance or a visual arts exhibition. |
| | **Ramps:**<br>Ramps are essential for wheelchair users if elevators or lifts are not available to connect different levels. However, some people who use walking aids have difficulty with ramps and prefer stairs. The ability to manage an incline is related to both its slope and its length. Wheelchair users with disabilities affecting their arms or with low stamina have serious difficulty using inclines. |

This shows signs for visual impairment (top left-a partially covered eye with a line at an angle slanting downwards), top right is a person holding a guide dog, bottom left is a  wheelchair symbol of accessibility, and bottom right is a sign for Assistive Listening Systems.
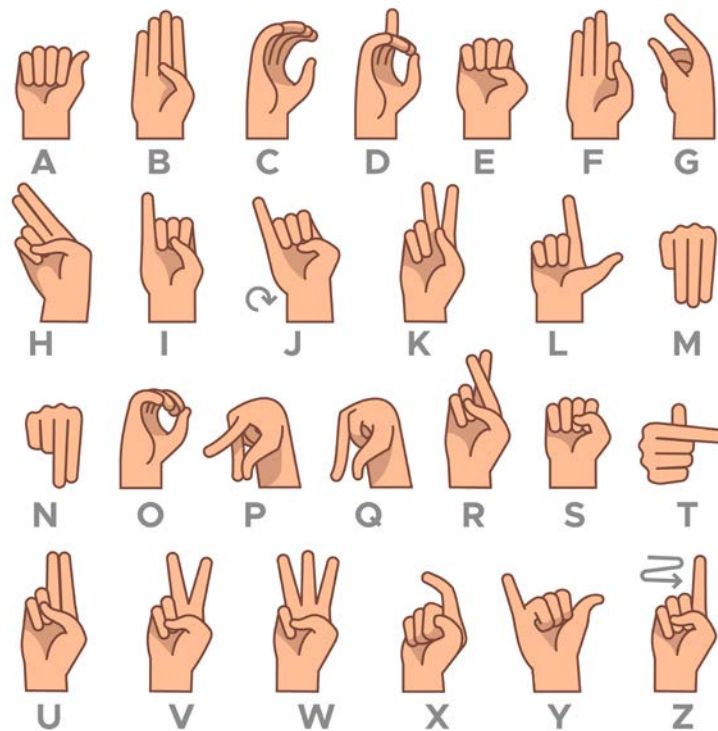
**South African Sign Language**

A public body requires reasonable accommodation in at least three aspects of employment (note that the following is a partial list of examples and is not intended to be considered complete):

To ensure equal opportunity in the application process - for instance

a)      Providing applications in large print, computer disk or other alternative formats.
b)      Relocate any tests to an accessible area if needed
c)      Allow someone to assist the applicant to complete the necessary forms
d)      Allow the application to be taken home.

To enable a qualified individual with a disability to perform the essential functions of a job-for instance:

a)      Change work hours or schedules i.e., allowing an employee with diabetes to take regular meal breaks during a shift
b)      Modifications of job tasks i.e., allowing an employee who is visually impaired to substitute transcription and duplicating duties for proofreading and filing
c)      Division of tasks among employees i.e., allowing a bookkeeper who is deaf to trade phone duties with another employee in exchange for filing duties
d)      Provide large-button touch-tone telephone for someone who has low vision or poor hand coordination.

To enable an employee with a disability to enjoy benefits and privileges of employment-for instance;

a)      Pathway to work, remove shrubbery and signs that obstruct walkways
b)      Provide accessible break rooms, lunchrooms, and training rooms
c)      At the workstation, lowering shelves or raising the desk
d)      Replace small knobs and switches with larger, easier-to-grasp handles
e)      Install Braille or large, raise lettered directional signs and elevator controls
f)      Reserve extra-wide parking spaces near building entrances.

## Annexure 4: Reasonable Accommodation- whole Value-chain

Reasonable accommodation removes or alleviates barriers.

### Some of the common barriers for people with mobility and agility disabilities include:

a)  environments inaccessible to people who use wheelchairs or motorized scooters (no curb cuts at intersections or ramps adjacent to stairs)
b)  steep grades and slopes
c)  lack of grab bars, handrails, and resting areas inside and outside public facilities
d)  soft or unstable surfaces
e)  narrow widths of sidewalks and paths due to the placement of street furniture (e.g., benches, and trash receptacles; heavy entrance doors; and
f)  lack of barrier-free public transportation.

Some examples of barriers found in outdoor environments in municipalities include:

a)  curb cuts, ramps and railway crossings that are too steep or not properly maintained, or contain abrupt changes in slope
b)  lack of accessible parking spaces – size of spaces, location, number, and enforcement of accessible parking spaces
c)  lack of textural changes and colour contrasts for staircases, entrances, ramps, and curb cuts
d)  insufficient number of drop-off/pick-up areas for para-transit users
e)  lack of audible traffic signals at key intersections
f)  inadequate lighting that can cause a problem for people with vision loss and
g)  confusing signs that prevent people from getting the information they need.

### Some of the Common Barriers for People who are Deaf, Deafened, or Hard of Hearing include:

a)  *Hearing Aid*
b)  lack of interpreter/intervener services
c)  lack of accessible public telephones (e.g., no volume controls), Teletypewriter or Teletype (TTY's) and other adapted devices (e.g., adaptive media, FM, and Infrared systems in public facilities)
d)  verbal instruction
e)  information/instructions written without the use of plain and clear language
f)  emergency bells, sirens, and audible signals
g)  background noise and poor acoustics in indoor environments; poor lighting can also be a problem for some people relying on speech reading or sign language;
h)  lack of enhanced listening systems; and
i)  insufficient sensitivity training.



**Hearing Aid**

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## Some of the Common Barriers for People with Impaired Vision Include:

a)  insufficient use of contrasting colours, raised letters and characters on most signage
b)  poor indoor lighting
c)  excessive background noise can be a barrier for individuals who are relying primarily on hearing for sensory input
d)  lack of textural surfaces in indoor and outdoor environments (e.g., no tactile markers warning pedestrians of potential objects in the path of travel on streetscapes)
e)  protruding objects that overhang the path of travel (e.g., wall-mounted light fixtures)
f)  lack of barrier-free streetscapes and street crossings
g)  inaccessible building and room layouts; and
h)  availability of public documents in alternative formats (e.g., Braille, large print, raised print, diskette, tape, or readable colour contrasts).

## Some of the Common Barriers for People with Cognitive/language Disabilities Include:

a)  lack of access to information and special services and difficulties in problem solving (language impairments can cause difficulty in comprehension and/or expression of written and/or spoken language)
b)  hi-tech environments that place pressure upon individuals or have high performance expectations that do not allow users to operate at their own comfortable levels
c)  overly bright environments that confuse and affect concentration and
d)  internal and external environments with signage that is difficult to read or understand.

## Examples of Reasonable Accommodation

When a participant with a disability requests provision for reasonable accommodation, the public body should make a good faith effort to provide an accommodation that is effective for the individual. Accommodations must be made on a case-by-case basis because the nature and extent of a disabling condition and the requirements of the job may vary. In many cases, an accommodation will be obvious and can be made without difficulty and at little or no cost. The department/unit should consult with the employee as it considers the reasonableness of the requested accommodation.

*Technology and Adaptive Equipment in the ATL*

## Hardware

a)  Computers
b)  Power Mac G3
c)  Scanners
d)  Laser Printers

## Screen Reader Software

a)  Jaws for Windows 3.7 - Jaws utilises an internal software speech synthesiser and a computer's sound card to read aloud information displayed on the computer screen thus enabling equal access electronic information.

## Low Vision Software

a)  ZoomText Xtra - Level 2 - Version 7.0 - ZoomText Xtra is a screen magnification and screen reader software programmes designed specifically for the low-vision computer user. ZoomText Xtra includes DocReader", a tool for reading text from any Windows application. DocReader automatically reads complete documents, including web pages and email.

## Scanning and Reading Software

a)   ArkenstoneOPENBook - reads, edits, and manages scanned images from books, magazines, manuals, mail, and other printed documents. OPENBook turns a computer system into a scanning and reading machine, offering blind individuals' and individuals' who have low vision access to printed materials.

b)   WYNN Wizard and Reader - WYNN (What You Need Now) is a PC-based software package that helps you read, write, study, and comprehend effectively.

## Adaptive Equipment

a)   Low-vision magnifier
b)   Height adjustable computer tables and arm supports
c)   Ergonomic chairs.



The diagram above shows a long downward wooden ramp with iron rails on either sides; a list with floor levels buttons with Braille engraved at the bottom; a toilet with two iron rails on both sides (NB this is usually considered as a bad design as it makes it difficult to transfer to the toilet), a cartoon of a wheelchair user pointing at stairs while a man with a tie and short jacket appears to hold some kind of folded materials, presumably to use as a ramp and a wheelchair user with a blue shirt, in front of/ at the bottom of a flight of stairs.



**A gentle winding ramp**

| | |
|---|---|
|  | OSKM-Onscreen Scanning Keyboard Mouse (Symbols Communication)<br><br>Compatible with standard accessible switches to activate and control the on-screen keyboard or mouse and further achieve computer access, text input and web browsing etc. This device is suitable for users with disabilities such as speech impairment, hearing impairment, cerebral palsy, muscular dystrophy, aphasia, stroke patients, and respiratory care. |

A motor vehicle with a lift-up ramp at the back. These cars usually have harnesses to avoid accidental movement of the wheelchair during travel.

When requesting for or discussing the need for reasonable accommodation:

1. *Build your business case.* Ensure that senior as well as middle management and recruiters understand the business case for diversity – and understand why it is a priority for your organisation. By encouraging and celebrating diversity, organisations will ultimately benefit from the talents and skills of people from all communities, including Persons with Disabilities.
2. *Change the dialogue.* Help people at all levels feel open to express their concerns when it comes to dealing with Persons with Disabilities in the work environment. What are they self-conscious about? What don't they understand? What stereotypes do they hold? Via training and open dialogue, everyone can become comfortable discussing workplace disability in an open and honest fashion.
3. *Build awareness* about Persons with Disabilities in your workplace. As employees begin to understand the business case and learn that Persons with Disabilities can make a positive contribution to business at all levels, attitudes will change. Again, employee and leadership sensitivity training can be a real asset.
4. *Be accommodating.* A few public bodies are already aware of accommodations for their work participants., However, be willing to speak to Persons with Disabilities about their needs and understand the level of accommodations, if any, required to help them succeed in the workplace.
5. *Communicating with all your workers* will remove barriers by getting any challenges and issues into the open before they become serious problems.

## NOTE

No person may **harass an** employee on the ground of disability. Such harassment may include **teasing,** ridicule, and offensive **remarks.** Any alleged harassment should be managed by the public body in terms of the guidelines contained in the Code **of Good** Practice on the Handling of Sexual Harassment Cases published in **terms** of the **Labour** Relations Act, 1995 and other legislation/codes

## Reasonable Accommodation Practice

The process of considering requests for reasonable accommodation includes the following steps:

Step 1: Review Policies/Legislation and Resources Related to Disability Management

Step 2: Initiate the "Interactive Process" with the Employee and Document

Step 3: Analyse the Employee's Essential Job Functions and Document

Step 4: Consult with the Worker's Medical Practitioner or Qualified

Professional as Needed and Document

Step 5:   Consult with other Experts as Needed and Document

Step 6:   Brainstorm Possible Accommodations with Employee and Document

Step 7:   Determine if the Public Body is Required or Able to Accommodate and Document

Step 8:   Choose and Implement Effective Options Promptly and Document

Step 9:   Monitor Results Closely and Document

Step 10: Continue the Interactive Process in "Good Faith" and Document.

## Table 1: Examples of Disabilities, Possible Access Issues&Accommodations

| Disability | Possible Access | Possible Solutions |
|---|---|---|
| Blind&vision Impaired (include not only those who are totally blind, but also those with limited vision | a) Path of travel<br>b) Displays of information<br>c) Controls with written directions<br>d) Elevators operating buttons<br>e) Completion of written forms | • "Talking" computers, calculators<br>• Labelling in Braille<br>• Respond to questions orally<br>• Air radio announcements<br>• Avoid clutter in passageways<br>• Use writing, drawing, optical aids (e.g., magnifiers) |
| Deaf&Hearing Impaired (including not only those persons who are totally deaf, but also those with limited hearing) | Information obtained through:<br><br>a) Telephones<br>b) Warning devices (e.g., fire alarms, public address systems)<br>c) Equipment operating noises | • Use of amplification devices<br>• Installations of TDD<br>• Publication of written announcements<br>• Allow mail-in-procedures to be used<br>• Policy accommodating lip readers<br>• Use visual cues for signage |
| Psychological Disabilities | Difficulty understanding:<br>a) Signs<br>b) Controls<br>c) Operating instructions<br>d) Directions | Willingness of someone to assist and/or answer questions and provide directions |
| Difficulty with Upper Body Movement (including not only those persons who have limited use of arms, shoulder; persons who use wheelchairs or crutches; people of short stature; those who cannot perform certain hand movements, or have difficulty controlling movement) | Difficulty operating (or locating or reaching) certain hardware:<br>a) Hand controls on doors<br>b) Toilet room fixtures<br>c) Water fountains<br>d) Telephones<br>e) Vending machines<br>f) Light fixtures | • Relocating a program or service to accessible area.<br>• Use of adaptive equipment or modification of present hardware. |

| Disability | Possible Access | Possible Solutions |
|---|---|---|
| Mobility Impairments (including those persons having difficulties, stamina limitations, as well as those who use wheelchairs and crutches | a) No grasp bars. handrails, other supports<br>b) No designated parking spaces for disabled people<br>c) Distance from parking, public transportation stops<br>d) Route of travel<br>e) Curbs, walks, unlevelled surfaces<br>f) Carpeting, Textured title supports<br>• Entrances and doors<br>• Restrooms, phones, water fountains<br>g) Location of controls, general hardware | • Replace existing hardware, equipment<br>• Make necessary structural changes to eliminate barriers;<br>• Install ramps<br>• Widen doorways |

In terms of responsibilities:

**Employees -** Employees, or their representatives:

- Advise appropriate officials that they have a disability that requires an accommodation
- Provide requested supporting documentation
- Participate in the interactive process.

**Management Officials –** Managers/ supervisors:

- Actively pursue possibilities for reasonable accommodation
- Participate in the interactive process
- Ensures that the public body complies with its obligations to provide reasonable accommodation
- Develop policy and program initiatives for implementation
- Maintains up-to-date knowledge of auxiliary aids and devices available for reasonable accommodation
- Collaborate with workers to identify needs and plan for reasonable accommodation
- Record accommodation requests and decisions for tracking purposes.

### Guidelines

Assess reasonable accommodations based on individual case facts, not generalisations or stereotypes. Since disabilities affect people differently, evaluate each request independently; what is "reasonable" may vary by situation and time.

- Supervisors must use good judgment and a fair, common sense approach to make the decision

- Workers are usually the best source of information about the accommodation and should discuss their needs with the supervisor so that the request is clearly understood

- If several accommodations are proposed, the decision maker is not required to select the worker's first choice, as long as the accommodation selected provides a means for the person to perform the essential job functions.

The decision maker must consider the following to determine whether an accommodation can be made:

- Worker's disability and resulting limitations as they relate to the job requirements
- Essential job functions
- Work environment
- How the accommodation will impact program or business operations.

**General Timeframes**. Many accommodation decisions can be made, and the accommodation provided within a few days. Since special circumstances may influence timing of this process, follow these timelines.

1. The accommodation request consideration process should begin as soon as the appropriate official receives an oral or written request from a person or representative. However, the process begins no more than five business days from the date of the oral or written request

2. When the person has an obvious or previously documented condition that qualifies as a disability and the accommodation requested is related to limitations caused by that condition, the first line supervisor determines if the accommodation is effective. If so, the supervisor provides the accommodation in no more than 30 business days from the date of the written or oral request

3. When the person does not have an obvious or previously documented condition that qualifies as a disability, the public body should, at its cost, request for any additional evidence, or consults with a physician, as necessary, and decides on whether or not the employee has a disability

4. When documentation is necessary, the 30-business-day period for the supervisor or manager to respond to the accommodation request begins on the date the public body issues the decision identified in point 3 above.

**Extensions -** It may be necessary to extend the processing timeframes due to extenuating circumstances.

a) Some examples of extenuating circumstances are:

- Geographical location of the work site
- Importation or locally made
- Equipment purchase may take longer than 30 days
- The employee with a disability needs to try out equipment before purchase can be made
- New personnel must be hired or contracted to work on accommodation requested or an accommodation involves removing architectural barriers

b) The supervisor notifies the worker of the reason for a delay, and the approximate date on which a decision or provision of the reasonable accommodation is expected

c) The supervisor investigates whether temporary measures can be taken to assist the worker. The supervisor may also use a temporary measure while the public body is obtaining or evaluating documentation to determine if the employee has a covered disability

d) The public body is not obligated to continue or offer further accommodations if the employee's condition is not a covered disability.

### Opportunities Announcement

The work opportunities announcement will:

- Be accessible to all potential applicants
- Contain non-discrimination statements
- Contain a reasonable accommodation statement. **For example, state** "*The public body will provide reasonable accommodations to applicants with disabilities. If you need a reasonable accommodation for any part of the application and hiring process, please notify us.*"

### Reasonable Accommodation in the Application Process

The public body will make reasonable accommodations at the applicant's request. The public body will request only the supporting medical documentation necessary to determine the nature of the reasonable accommodation required or how the accommodation will assist with the application process. Expedite requests for accommodation, since the application process is short.

### Interviews (if applicable)

**Reasonable Accommodation for the Interview -** The interviewing official responds to accommodation requests for the interview and provides the accommodation, unless if it will cause undue hardship.

**Acceptable Interview Questions -** A job interview gives the interviewer and the applicant an opportunity to assess the applicant's qualifications in relation to the job requirements. The interviewer focuses on the applicant's abilities, rather than disabilities.

1. The interviewer asks job-related questions that:
- Assess the applicant's eligibility for EPWP work opportunities and
- Relate to the applicant's ability to perform specific job functions, tasks, and duties

2. The interviewer provides information to help the applicant determine the need for accommodation, such as:

- Provide information on the job requirements (tasks, duties, responsibilities and work schedule)
- Discuss the regular work hours, leave policies, and attendance requirements

3. The interviewer asks if the applicant can meet work schedule and attendance requirements.

4. The interviewer asks how the applicant will perform a job. Questions may relate to any job activity and are not limited to the essential job functions. **Examples:**

a) After describing the job activities, the interviewer may ask, "Can you perform these tasks?"
b) Only when the applicant indicates the need for an accommodation may the interviewer ask, "How will you perform the tasks, and what accommodation is needed?"

**Unacceptable Interview Questions -** The interviewer may not ask questions about the disability or illness even if disability is visible. **Example:** The person uses a wheelchair or guide dog, has a missing limb, or has volunteered information about a disability. The interviewer may not ask questions regarding the:

1. Nature or severity. **Examples:**

a) What is your disability? How did it occur?
b) How severe is your condition?

2.   Causing circumstances or conditions. **Examples:**

a)   Is your disability hereditary? Is it job-related?
b)   Have you ever been hospitalised? If so, for what?
c)   Have you had a major illness in the past year?

3.   Prognosis or explanation. **Examples:**

a)   Will the disability improve or worsen?
b)   Is there any health-related reason why you may not be able to perform certain job functions?
c)   Do you have any disability or impairment that may affect your performance in this position?

4.   Need for medical treatment or leave usage. **Examples:**

a)   How many days were you absent from work due to illness last year?
b)   How much leave do you estimate using?

5.   Other disability-related factors. **Examples:**

a)   Have you ever been treated by a psychologist or psychiatrist? If so, for what condition?
b)   Have you ever been treated for any mental condition?
c)   Are you taking any prescribed drugs? If so, what?
d)   Have you ever been treated for drug addiction or alcoholism?
e)   Have you ever filed a worker's compensation claim?

## Pre- and Post-Offer Inquiries and Medical Examinations

Before an employment offer, the public body officials may not ask any disability-related questions or require any medical examinations, even if they are job-related.

The Employment Equity Act states that a public body should not employ a person if the public body can demonstrate that a person with a disability would represent an actual risk to him or her or other people, which could not be eliminated or reduced by applicable reasonable accommodation.

After an applicant is given a conditional job offer, but before employment, public body officials may make disability-related inquiries and require medical examinations, as long as it does so for all entering employees in the same job category. If an applicant is screened out because of a disability, the supervisor must document whether the exclusionary criterion is job-related and consistent with work-related necessity. The criterion must be based on objective evidence that the applicant will:

•   Be unable to perform the essential job functions because of a medical condition

•   Pose a direct threat because of a medical condition. The applicant would pose significant risk of substantial harm to self or others, and the risk cannot be reduced below the "direct threat" level through reasonable accommodation. The threat posed cannot be remote or vague.

## Table 2: Accommodation Approval Process

| | *Participants/ Representative* | *Supervisor* | *Senior Manager* | *Medical Officer* |
|---|---|---|---|---|
| **A. Overseeing the Request** | Requests, orally or in writing, for accommodation from the supervisor, manager or public body official proposing to take a performance or conduct action.<br><br>Participates in the interactive process. | Receives and documents the reasonable accommodation request.<br><br>Consults with and forwards the employee's request and documentation to the Senior Manager if assistance is needed in determining if the employee has a disability.<br><br>Participates in the interactive process.<br><br>Maintains confidentiality.<br><br>Decides whether an accommodation will be made. | Responds to questions from the supervisor, employee, or representative on the accommodation request.<br><br>Consults with Employee Relations staff when an employee requests an accommodation because of an anticipated performance or conduct-based action. | |
| **B. Documenting the Impairment and Making Disability Determination** | Provides documentation of the impairment to the decision maker. | Requests documentation of impairment, as necessary. | Reviews medical documentation or provides to medical officer.<br><br>Makes determination of disability. | Reviews and interprets medical documentation to assist in determining if the person requesting accommodation has a disability.<br><br>Provides results of review to Senior Manager. |

| C. Providing the Accommodation | | On approval of the need for accommodation, the supervisor:<br><br>• Decides how to accommodate the employee, using the interactive process.<br><br>• Provides the accommodation according to the given timeframes.<br><br>• Informs the Senior Manager of the accommodation. | Responds to questions from the supervisor, employee, or representative on the accommodation process.<br><br>Recommends the use of CAP to provide assistive technology. | |

## Accommodation Denial Process

A.    If an accommodation request is denied, the supervisor provides the employee valid and well documented written reasons for why the request was denied. The final decision must describe one or more of the following:

1.    Why the requested accommodation was ineffective
2.    Why the requested accommodation would cause undue hardship
3.    Why the medical documentation was inadequate
4.    Why the accommodation would require removing an essential function
5.    How the accommodation would require lowering performance or production standards and
6.    Any other reason used to deny the accommodation.

B.    If the requestor proposed one type of accommodation, which was denied, and the requestor rejected an alternative accommodation offer, the decision maker must explain the reason the original request was denied and explain how the alternative accommodation would be effective.

## Denial Reconsideration Process

A.    To request reconsideration of a denial decision, the employee may take the following steps:

1.    Provide additional supporting information and ask the decision maker to reconsider the denial
2.    If the employee's supervisor does not reverse the denial, the employee may ask the senior manager to review the request
3.    If the decision maker is the senior manager, the employee may ask the speaker to review the request.

## Reassignment Efforts

**When reassignment is considered -** Consider reassigning an employee as a reasonable accommodation only after all efforts to accommodate the employee in the current position have failed. Also, consider reassigning an employee when the employee is unable to perform the essential functions of the current position, even with reasonable accommodation.

a)    Consider the employee for appropriate vacancies that have no further promotion potential than the current or a previous position held. This may involve placement across program lines or in another departments
b)    The employee must meet the qualification requirements for the vacant position and be able to perform the essential job functions with or without reasonable accommodation
c)    Supervisors and managers should contact appropriate organisations of disabled people for assistance.

## Documenting a Medical Condition for an Accommodation Request

**Determining the Need for Medical Documentation -** If the:

•    Person has an obvious or previously documented medical condition that qualifies as a disability and the accommodation requested is related to the known disability, the accommodation request is considered immediately without further medical documentation
•    Disability and the reason for accommodation are not obvious, the person may have to submit medical evidence to support an accommodation request.

**Requesting Medical Documentation -** To obtain appropriate and useful information, all requests for medical documentation should describe the nature of the job, the essential functions, and any other relevant information. The medical information requested must be current, obtained at the person's expense, and describe:

1.    The nature, severity, and duration of the impairment
2.    The major life activities that the impairment limits
3.    How the accommodation will help.

**Requesting Additional Information -** If the submitted information does not clearly explain the disability or need for accommodation or clarify how the requested accommodation will help the employee perform essential job functions or access workplace benefits, the public body will request additional relevant information. The public body will specify what further details are needed, why the current information is insufficient, and why the new information is necessary to assess the request.

1.    If the information is still insufficient to make a determination, the person may agree to sign a limited release, and the public body may submit a list of specific questions to the person's health care professional.

If, after a reasonable period (e.g., 5–7 weeks following a request for more information), there is still insufficient evidence of a disability and need for accommodation, the decision maker may have a physician selected by the public body examine the individual at the public body's expense.

2.    Failure to provide appropriate documentation or cooperate in the public body's effort to obtain such documentation can result in a denial of the reasonable accommodation.

## Maintaining Confidentiality of Medical Information

Keep medical information obtained for the reasonable accommodation process confidential. Whenever medical information is disclosed, inform the recipient of the confidentiality requirements. Any public body employee who obtains or receives medical information is strictly bound by the confidentiality requirements.

A.	Subject to sections 7 and 18 of the Employment Equity Act, employers, including health and medical services personnel, may only gather private information relating to employees if it is necessary to achieve a **legitimate purpose**, with the written consent of the person

B.	Maintain all medical information, including information about functional limitations and reasonable accommodation needs regarding a request for reasonable accommodation, in files separate from the employee personnel file

C.	The supervisor maintains custody of all medical records obtained or created during the process of a reasonable accommodation request according to the confidentiality requirements. The supervisor discloses information regarding the records, or any aspect of the process, only to:

- **Senior managers** who need to know that an employee has a disability that necessitates restrictions on the work or duties and about any recommended accommodations. However, medical information should only be disclosed if strictly necessary
- **First aid and safety personnel**, when appropriate, if the disability might require emergency treatment
- **Security personnel** who must assist Persons with Disabilities during evacuation procedures
- **Executive Authority** with authority to investigate the public body's compliance with the universal accessibility
- **Physicians**, when consulting on the interpretation of medical documents.

## Other Facts about Reasonable Accommodation:

1.	The obligation to make reasonable accommodation may arise when an applicant or employee voluntarily discloses a disability related accommodation need or when such a need is reasonably self-evident to the employer
2.	Public bodies must also accommodate workers when work or the work environment changes, or impairment varies which affects the worker's ability to perform the essential functions of the job
3.	The public body should, at its cost where reasonable and practical, consult the worker, technical experts to establish appropriate mechanisms to accommodate the worker
4.	The particular accommodation will depend on the individual, the degree and nature of impairment and its effect on the person, as well as on the job and the working environment
5.	Reasonable accommodation may be temporary or permanent, depending on the nature and extent of the disability.

## Meeting and Conference Access

Meetings and conferences should consider the needs of all of their participants. Checklists such as this may make it easier to identify specific needs:

### Mobility access
- Wheelchair accessible transportation
- Reserved parking
- Barrier-free meeting rooms / restrooms / podium/speaker's platform
- Handicap accessible lodging.

### Hearing access
- Advance copies of papers
- An assistive listening system
- Sign language interpreters
- A quiet place to gather for social conversation (a quieter space that is still visible to others should be reserved at social events or dinners so that people who are hard of hearing may go there to talk with their colleagues.)
- TTY access or Internet-based TRS.

# NOTES

Framework to enhance the participation of Persons with Disabilities in the EPWP

# NOTES

Framework to enhance the participation of Persons with Disabilities in the EPWP

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