


REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITY

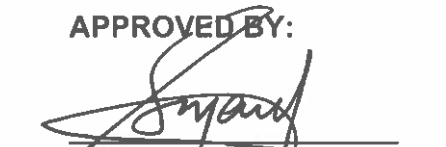
2025/2026 FY



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## **1. BACKGROUND**

Mbhashe Local Municipality recognizes and acknowledges that employees with disabilities are equal citizens and should therefore enjoy equal rights, responsibilities and have access to equal opportunities.

## **2. PURPOSE OF POLICY**

To enable employees with disabilities to have equal/reasonable access to participate and advance in employment by creating an environment that supports diversity and is free of barriers for employees with disabilities.

## **3. OBJECTIVE OF POLICY**

- To provide the Mbhashe LM with a clearly outlined normative framework within which to understand and manage the integration and advancement of employees with disabilities.
- For the Mbhashe LM to acknowledge that, in dealing with employees with disabilities, one is dealing with very personal and sensitive issues. While the municipality does not wish to encroach, it seeks to deepen its understanding of disabilities and plan appropriately. In so doing, it shall also address areas of risk.
- To ensure that employees with disabilities shall be fairly treated and reasonably accommodated.
- To provide guidance during recruitment and advancement of employees with disabilities.

## **4. POLICY PRINCIPLE**

Based on the Constitutional principle that no one may unfairly discriminate against a person on the grounds of disability, municipality commits itself to the following principles for the effective management of disability:

- To eliminate unfair discrimination against employees with disabilities;
- To ensure that employees with disabilities have the same rights, and privileges as all other employees. The potential of each individual employee shall be recognised to ensure continued growth and development within their chosen career;
- To treat employees with disabilities with dignity and respect;
- To reasonably accommodate the needs of employees with disabilities;
- That disability can be addressed by creating a barrier free environment through removal of employment and attitudinal barriers in our human resources policies and practices, which limit or exclude the participation and advancement of employees with disabilities;

## 5. SCOPE

The policy shall be applicable to all employees with disabilities within the Mbhashe Local Municipality.

## 6. POLICY DEFINITION

### **DISABILITIES**

*"Persons with Disabilities (PWD)"* refer to People who have recurring physical and or mental impairment, which substantially limits their prospects of entry into, or advancement in employment. A disability is a long-term or permanent impairment or recurring condition or health problem, which needs to be reasonably accommodated on the job and calls for the elimination of barriers in the workplace. The impairment may be of a physical, mental, sensory, learning or psychiatric nature, which is medically certified.

In evaluating whether job applicants and / or employees with qualifying disabilities fall within the scope of the definition, an understanding of the key elements is essential. In order to qualify for protection as a person with a disability, all the criteria of the definition must be satisfied. This refers to: **"long term"**, **"recurring impairment"**, **"physical or mental impairment"** and **"substantially limit"**.

### **Long-term impairment**

The impairment has lasted or is likely to persist for at least 12 months. A short term or temporary illness or injury is not an impairment which gives rise to a disability.

### **Recurring impairment**

Is likely to recur and be substantially limiting, regardless of whether the effect on a person fluctuates. Progressive conditions are deemed a disability once impairment starts to be substantially limiting. Progressive or recurring conditions, which have no overt symptoms or do not substantially limit individuals, are not considered disabilities.

### **Physical impairment**

This refers to the partial or total loss of a bodily function. It includes sensory impairments such as being deaf, hearing or visually impaired and any combination of physical or mental impairments.

## **Mental impairment**

This refers to clinically recognised conditions or illnesses that affects a person's thought processes, judgement or emotion.

## **Substantially limits**

Impairment is classified as substantially limiting if, in the absence of reasonable accommodation by the EMM, an employee would be either totally unable to do a job or would be significantly limited in doing the job.

## **CATEGORIES OF DISABILITY**

### **PHYSICAL DISABILITY**

Refers to damage to muscles, nerves, skin or bones that leads to difficulties in moving about and performing activities in daily living.

Physical disabilities include:

- ***Paraplegia***: a substantial loss of function in the lower part of the body;
- ***Quadriplegia***: a substantial loss of function in all four limbs;
- ***Hemiplegia***: a substantial loss of function on one side of the body, often due to a stroke or as a result of epilepsy;
  
- ***Cerebral palsy***: a damage to the brain that causes muscular inco-ordination;
- ***Post-polio paralysis***: weakness in some muscles, and under-development of some limbs.

### **VISUAL DISABILITY**

Refers to the loss of sight that may be total or partial.

**Visual disabilities include:**

- ***Blind***: refers to total loss of sight. A person might experience difficulty in moving around and knowing where things are;
- ***Low vision***: a limited range of sight and focus that cannot easily be corrected with spectacles (eg. A person with a squint).

### **Reasonable Accommodation**

Refers to any modification or adjustment to a job or working environment that will enable a person from a designated group to have access to participate or advance in employment levels.

### **Rehabilitation**

Refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric and social functional levels, thus providing them with the tools and training to change their lives towards higher levels of independence.

### **Assistive Devices**

These are devices and ergonomic solutions capable of reducing the handicap or difficulties experienced by employees with disabilities.

### **Barrier Free Environment**

An environment in which access to all facilities and services are equally available and accessible to all employees.

## **7. LEGISLATIVE FRAMEWORK**

The policy and legislative parameters are framed *inter alia* by the following documents:

- Employment Equity Act (Act 55 of 1998)
- Code of Good Practice on the Employment of People with Disabilities (2002)
- Labour Relations Act (Act 66 of 1995)
- Occupational Health and Safety Act (Act 85 of 1993)
- Basic Conditions of Employment Act (Act 75 of 1997)
- Promotion of Equality and Prevention of Unfair Discrimination Act (2000)
- White Paper on an Integrated National Disability Strategy (1997)
- White Paper for Affirmative Action (1998)
- Skills Development Act (1998)
- Building Standards Act (1997)
- National Building Regulations and SABS 0400 Code of Practice

- TAG on people with disabilities
  - Compensation of Occupational Injuries & Diseases Act 130 of 1993
- Conditions of Service applicable

## **8. POLICY PROCEDURE**

Corporate Services shall be responsible for ensuring that this policy and other programmes affecting employees with disabilities within the organisation are effectively implemented and monitored. Therefore, implementation of any programme for employees with disabilities shall be done in consultation with the department. This department shall be required to:

- Assist in communicating the policy to all employees
- Implement and monitor the policy for employees with disabilities
- Liaise with stakeholders
- Foster a supportive, non-discriminatory workplace
- Propose steps to eradicate barriers to employment and advancement and implement interventions, where required
- Be the custodian of all issues pertaining to disability and co-ordinate all actions
- Channel relevant information through appropriate communication channels

## **9. CONFIDENTIALITY AND DISCLOSURE OF DISABILITY**

### **9.1 Confidentiality**

- The municipality shall protect the confidentiality of the information that has been disclosed. It shall take care to keep records of private information relating to the disability of applicants and employees confidential and separate from general personnel records.
- The Municipality shall not disclose any information relating to a person's disability without written consent of the person concerned.
- When the information is no longer required it shall be returned to the employee or be destroyed or rendered anonymous.

### **9.2 Employee Disclosure**



- Employees with disabilities are entitled to keep their disability status confidential. Should this right be exercised, municipality may not be held liable for failure to provide reasonable accommodation.
- In cases where the disability is not evident the municipality may require the employee to disclose sufficient information to confirm the disability or the accommodation needs.
- Should the municipality dispute that the employee is disabled or that the employee requires accommodation, the municipality is entitled to request the employee to be examined to determine the employees' ability or disability, at the organisation's expense.
- If accommodating the employee requires co-operation of other employees, it will be necessary to reveal the disability status of a person if it is not otherwise obvious, to some of the person's colleagues, particularly a supervisor or manager, with the written consent of the person concerned.
- Upon consulting the employee with a disability, relevant staff members shall be informed of accommodation requirements of the employee, without disclosing the nature of the disability, unless this is required for the health or safety of the person with the disability or other persons.

## **10. MEDICAL TESTING**

Medical testing of an employee is prohibited, and it shall be limited in terms of the law.

## **11. MANAGING DISABILITY**

### **Capacity to perform:-**

- Disclosure does not exempt an employee from performing his/her duties
- Only when incapacity is established shall steps be taken to evaluate the employment roles and responsibilities
- Termination shall be the last resort.

### **Facilities:-**

Reasonable accommodation shall be provided within six months of appointment.

**Employee benefits:-**

- No discrimination shall be allowed towards employees with disabilities
- Medical records shall be kept confidential

**The responsibilities of co-workers:-**

- No employee may refuse to work with an employee with a disability. Should this instance occur, dispute resolution measures shall be implemented
- Only where an employee poses a risk to himself or co-workers, shall other employment options be considered.

**12. DISPUTE RESOLUTION**

Any dispute arising from the implementation of this policy shall be dealt with in accordance with grievance procedure of the Municipality.

**13. PROCEDURES FOR IMPLEMENTING POLICY**

Monitoring progress and co-ordinating programmes/campaigns and commemorating the International Day of People with Disabilities

**14. POLICY REVIEW**

The policy reviewed annually.