

MBHASHE LOCAL MUNICIPALITY

MBHASHE LOCAL MUNICIPALITY



HUMAN RESOURCE POLICY

DISABILITY POLICY

MBHASHE LOCAL MUNICIPALITY

DISABILITY POLICY

CORE BUSINESS AREA	CORPORATE SERVICES DIRECTORATE
OPERATIONAL AREA	ALL DIRECTORATES
VERSION	
DATE	
FILE NAME	DISABILITY POLICY
FILE NUMBER	
BUSINESS OWNER	MBHASHE LOCAL MUNICIPALITY

OWNER: CORPORATE SERVICES

CLIENT: MBHASHE LOCAL MUNICIPALITY

DOCUMENT CLASSIFICATION: CONFIDENTIAL

TABLE OF CONTENTS

List of acronyms

1. INTRODUCTION

1.1 Disability Declaration for Local Government

1.2 Purpose

1.3 Definition of disabled persons

2. RATIONALE

2.1 Enabling Acts and document of reference

3. GOALS

4. KEY STRATEGY AREAS

4.1 IDP

4.2 Self-representation

4.3 Affirmative Action Programmes

4.4 MBHASHE LOCAL MUNICIPALITY Network

4.5 PWD's Coordinator

4.6 Policy review

5. ACRONYMS

AIDS - Acquired Immune Deficiency Syndrome

EEA - Employment Equality Act

HIV - Human Immuno-Deficiency Virus

IDP - Integrated Development Plan

INDS - Integrated National Disability Strategy

LOSDP - Local Offices of the Status of Disabled People

PEPUDA- Promotion of Equality and Prevention of Unfair Discrimination Act

PWDs - People With Disabilities

TAG - Technical Assistance Guidelines

1. INTRODUCTION

During the apartheid era, people with disabilities (People with Disabilities), were denied fundamental human rights, purely on the basis of their disability. While the democratic post-apartheid South African government is committed to transform the situation of People with Disabilities, it obviously cannot do that alone and needs the support and commitment of every South African citizen. It is for that reason that the democratic post-apartheid government has promulgated legislation and regulations protecting the rights of the PWDs. Importantly, the South African Constitution (1996) entrenches the rights of various focus groups, including people with disabilities. Government is also encouraging South African society to change its attitude towards People with Disabilities.

The Municipality has committed itself to constructively assist in implementing the overarching policies of the National and Provincial spheres of governance at local government level. The introduction of the Municipality's Policy for People With Disabilities by People With Disabilities confirms its commitment to bringing about equal human rights in South Africa.

1.1 DISABILITY DECLARATION FOR LOCAL GOVERNMENT, MADE ON 29 NOVEMBER 2002

Through this Declaration, local government and the South African Local Government Association (SALGA) committed themselves to:

1.1.1. Adopt and implement the relevant provisions of the IPDS, the Integrated National Disability Strategy (INDS) and other policies of government on disability.

1.1.2. Develop and implement district, municipal and local level disability strategies that:

- (a) Are integrated and sustainable
- (b) Are comprehensive (covering all areas / communities at local government level).
- (c) Promote access to municipal and district level resources and service delivery.

1.1.3 Initiate and launch media-covered disability awareness campaigns targeted at all Councillors and key personnel at district/municipal level.

1.1.4 Ensure the establishment and funding of effective and adequately resourced disability focal points and/or Local Offices of the Status of Disabled People (LOSDP) in each Municipality.

1.1.5 Support, facilitate and fund local and district level organizational structures in order to promote effective co-ordination of disability programmes at these levels.

1.2 PURPOSE OF THE POLICY

Through its Policy on Disability, the Municipality seeks to provide a mechanism for increasing access by people with disabilities to opportunities at social, political and economic levels and to ensure that People with Disabilities are given every opportunity to reach their full potential, both as individuals and as active citizens in the Nelson Mandela Metropolitan area. The Policy addresses major concerns and issues critical to People with Disabilities and also gives direction to programmes and services in that regard established and directed by the MBHASHE LOCAL MUNICIPALITY.

The Municipality will provide the framework to describe the role of all agencies engaged in disability matters and the programmes, services, facilities and activities they undertake, to achieve the goals and objectives of the Policy.

1.3 DEFINITION OF DISABLED PERSONS

This definition is not absolute and is intended to indicate the primary target group (without excluding those who may share similar circumstances) and refers to people who satisfy the following criteria:

Long-term or recurring impairment

- A long-term impairment means the impairment has lasted or is likely to persist for at least twelve months. A short-term or temporary illness or injury (i.e. a broken hip) is not an impairment that gives rise to disability.

- A recurring impairment is one that is likely to happen again and to be substantially limiting. It includes a constant underlying condition, even if its effect on the afflicted person fluctuates.

- People with Disabilities include those who;

- Are wheelchair users, and others with physical and mobility disabilities
- Are blind or partially sighted
- Are deaf, hard of hearing, or cannot speak
- Have psychiatric, intellectual or learning disabilities
- Have multiple or other disabilities

2. RATIONALE

This Policy has been established within the broader framework of the Integrated National Disability Strategy, which is embodied in the following principles:

- _ A people-driven process
- _ Self-representation and special needs of People with Disabilities
- _ Integration of People with Disabilities into everyday life
- _ Sustainability and ability to continue to be able to deliver.

7

2.1 ENABLING ACT AND DOCUMENT OF REFERENCE

It is essential that People with Disabilities be given easy access to information and that this information is provided by the Municipality for reference by the Forum and its affiliates.

- (a) The Constitution of the Republic of South Africa (1996), in particular, the Bill of Rights.
- (b) Towards a barrier-free society (ex Human Rights)
- (c) The Integrated Disability Strategy (INDS)
- (d) The Integrated Provincial Disability Strategy
- (e) The Disability Declaration (Eastern Cape Province 2002)
- (f) The National Rehabilitation Policy (2000)
- (g) The Employment Equity Act (Act 55 of 1998)
- (i) Includes the Code of Good Practices on the employment of People with Disabilities
- (ii) Technical Assistance guidelines (TAG) on the employment of People with Disabilities
- (h) Pocket Guide on Disability Equity (2001)
- (i) Skills Development Act.

3. GOALS

The Municipality, in ensuring that disability issues are attended to, seeks to achieve the following goals:

- To recognize and promote the full participation and contribution of disabled persons in the political and socio-economic development of the MBHASHE LOCAL MUNICIPALITY.
- To develop the co-ordinated contribution and participation of all stakeholders involved in disability planning and the implementation, monitoring and evaluation of all MBHASHE LOCAL MUNICIPALITY programmes for people with disabilities.
- To develop structures and strategies that are supportive of the initiatives of People with

Disabilities and capable of promoting social responsibility and economic and political opportunities.

- To uphold the rights of People with Disabilities and ensure that the latter are allowed and supported to enjoy such rights.

4. KEY STRATEGY AREAS

The Municipality needs to give full support and assistance to People with Disabilities by ensuring adequate access to and control of opportunities so that they can participate in and contribute fully to society.

4.1 Integrated Development Plan (IDP)

- Care should be taken that the Integrated Development Plan (IDP) is aligned with the needs of People with Disabilities. Therefore, People with Disabilities must be considered, prioritised and their experiences mainstreamed in the IDP processes. The fact that most People with Disabilities are underprivileged (because, for example, of discrimination by potential employers), which prevents them from advocating for themselves, should be addressed.
- The IDP has clear PWD objectives; inputs, including resources; outputs and key performance indicators.
- The IDP must refer to the unique fact that People with Disabilities are found in each of the other Sectors (Gender; Aged; Children; People infected and affected by HIV/AIDS; and the Youth).

4.2 SELF-REPRESENTATION

Self-representation for People with Disabilities must happen from grass-roots levels to the highest decision-making level within the MBHASHE LOCAL MUNICIPALITY. For example -

- Each Ward Committee should be obliged to have a certain percentage of People with Disabilities.
- Each Ward Councillor must ensure that the environment in her/his Ward Committee is conducive to the active, visible participation of People with Disabilities
- The same principle should be adhered to also in the other forums, such as the Gender Forum, the Youth Forum, etc.

4.3 AFFIRMATIVE ACTION PROGRAMMES FOR PEOPLE WITH DISABILITIES

Corrective measures through programmes targeting People with Disabilities should be undertaken to redress past imbalances between the able-bodied and People with Disabilities. This means that a plan, resources and benchmarks should be developed by the MBHASHE LOCAL MUNICIPALITY. For example -

- At least 5% of staff must be People with Disabilities
- People with Disabilities should be considered in the MBHASHE LOCAL MUNICIPALITY's sector skills plan, and such plan should have demonstrable and tangible outcomes
- Ten per cent (10%) of municipal tenders should be allocated to People with Disabilities.

4.4 MBHASHE LOCAL MUNICIPALITY NETWORK ON DISABILITY

MBHASHE LOCAL MUNICIPALITY should support efforts towards the establishment of a non-profit making and nongovernmental network for People with Disabilities. The main objective of such a network would be to bring together all organisations concerned with People with Disabilities in the MBHASHE LOCAL MUNICIPALITY.

However, all organisations within each disability sector would be allowed to retain their autonomy to manage their own affairs. The aims, objectives, functions and legal status of such a network will be determined by its members or affiliates.

4.5 PWD CO-ORDINATOR

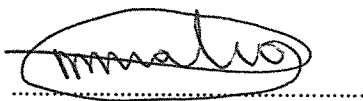
- He/She must be based in the Office of the Municipal Manager and be accountable to the administrative head of the MBHASHE LOCAL MUNICIPALITY.
- He/She will be required to interact with and provide support for the PWD Forum, to ensure that the Forum is able to perform its task. The desk will submit items to the relevant Portfolio Committees that promote or advocate for the disabled.
- He/She will mainstream People with Disabilities within the MBHASHE LOCAL MUNICIPALITY.

4.7 REVIEW OF POLICY ON PEOPLE WITH DISABILITIES

The Policy requires periodic monitoring, review and assessment to ensure that it remains responsive to the needs, aspirations and capacities of People with Disabilities and the broader MBHASHE LOCAL MUNICIPALITY development objectives. A mechanism should be created for such policy reviews, which must involve all the organizations active in disability issues. Such reviews must occur at least once every three years, or as required. In this way, the Policy will remain complementary to the broader development of the Municipality. The Policy is a living document and must be flexible to accommodate changing requirements.

AUTHORITY

Approved by Council and Signed by:

A handwritten signature in black ink, appearing to read 'M Nako', written over a dotted line.

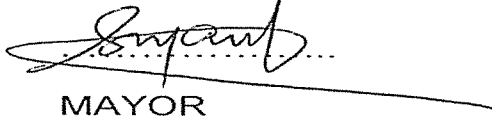
M Nako

Acting Municipal Manager

03/07/2017

Date

Cllr. Janda S.N

A handwritten signature in black ink, appearing to read 'Janda S.N', written over a dotted line.

MAYOR

07/08/2017

Date