



# PERSONS WITH DISABILITIES IN THE WORKPLACE

- PERSONS WITH DISABILITIES
- I AM A VALUABLE ASSET



**“ Persons with disabilities can  
make a positive contribution in  
the workplace ”**

# Persons with disabilities IN THE WORKPLACE

## PERSONS WITH DISABILITIES

South Africa, like most countries, needs every skilled worker to contribute towards the prosperity of the country. Persons with disabilities can make a positive contribution in the workplace. It is generally found that a person with a disability develops into a well-adjusted, productive worker in an atmosphere of acceptance, co-operation and goodwill. Persons with Disabilities can be as productive as their co-workers provided they are granted with assistive devices where necessary.

Employers are encouraged to give far more persons with disabilities the opportunity to enter the workforce. Disability is a human rights and development issue, meaning that persons with disabilities should enjoy equal rights and responsibilities. Technological advances have removed many obstacles for persons with disabilities in their aspirations to pursue the careers of their choice. The Labour Centres can assist employers to find persons with disabilities that meet their job requirements and employment equity targets.

## CAREERS IN WHICH PERSONS WITH DISABILITIES EXCEL

Many visually, hearing and physically impaired persons excel in the field of computer technology. Blind and partially sighted persons are also employable due to technological developments. Various blind professionals run their own practices and businesses in this country. There are blind lecturers, music teachers and marketing consultants, to name but a few careers. Visually impaired persons can also do manual jobs such as making bricks and tiles.

Deaf and hard of hearing persons are often successful in noisy jobs, such as panel-beating, which may have a negative effect on hearing persons. Hearing impaired persons also successfully pursue a variety of careers such as forestry, graphic art, medical technology, banking and sales.

Persons with physical disabilities are successful in many careers including teaching, social work, business management and many others. Stephen Hawking is one of the greatest scientists the world has ever known, yet he is quadriplegic and can only speak with the aid of a computer. He freely admits that he has reached the top in his field because of and not in spite of his disability.

In fact, most careers are accessible for persons with disabilities, due to advances in assistive devices.

## REMOVING THE BARRIERS

Many barriers such as widespread ignorance and stereotypes have caused persons with disabilities to be unfairly discriminated against in society and in employment. For these reasons, persons with disabilities are a designated group in terms of the Employment Equity Act, Act 55 of 1998, as amended by Act 47 of 2013. The purpose of this Act is to remove unfair discrimination and to promote equity in the workplace. This Act protects persons with disabilities and others against unfair discrimination and, as a previously disadvantaged group, disabled persons are eligible to benefit from affirmative action programmes.

The Minister of the Department of Employment and Labour approved a Code of Good Practice on the Employment of Persons with disabilities in terms of the Employment Equity Act. The Code is a guide for employers and workers to encourage equal opportunities and fair treatment of persons with disabilities. It also helps to create awareness of the contributions that persons with disabilities can make in the workplace.

## DEFINITION OF “PERSONS WITH DISABILITIES”

In terms of the Code of Good Practice on the Employment of Persons with Disabilities, the focus is on the effect of a disability on the person in relation to the working environment, and not on the impairment. The Code defines persons with disabilities as “persons who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in employment.”

## CONFIDENTIALITY AND DISCLOSURE

All persons have the right of privacy and, therefore, no person is obliged to inform their employer of a disability or impairment. However, should the impact of the disability be such that reasonable accommodation is needed, it will be to the advantage of the applicant or employee to disclose their disability.

## REASONABLE ACCOMMODATION

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.

An employer may be obligated to make reasonable accommodation available, when an applicant or employee voluntarily discloses a disability related accommodation need, or when such a need is self-evident to the employer. The employer should consult the person with a disability, since they know their specific reasonable accommodation needs best. Employers can where reasonable and practical, also consult technical experts for advice on reasonable accommodation. The Employment Counsellors at the Department of Employment and Labour can recommend you to not-for profit organisations which can provide advice.

Reasonable accommodation refers to modifications or changes to the way a job is normally performed, that makes it possible for a suitably qualified person with a disability to perform on par with everyone else. The type of reasonable accommodation required, would depend on the job and its essential functions, the work environment and the person's specific disability. Very often, only minor adjustments are necessary to make a disabled person's workplace accessible. Employers are also encouraged to work towards universal access for persons with disabilities, which means that one adjustment can meet the special needs of different disabilities.

### Reasonable accommodation measures may include:

- Removing physical barriers, for example: building a ramp to ensure wheelchair access and making bathrooms accessible.
- Braille or speaking lifts for blind persons.
- Access to information and technology is very important. This includes adapting existing or acquiring new equipment, e.g. computer hardware and software. Visually impaired persons may require voice input/output software or magnifying software.
- Hearing aids: Excellent hearing aids are available on the market today that will increase a hearing impaired person's ability to communicate.
- Re-organising work stations to ensure that persons with disabilities can work effectively and efficiently for example adjusting work schedules, if necessary.
- Changing training and assessment materials and processes. e.g. providing training materials on request in electronic format, Braille or on tape for persons with visual disabilities.
- Converting existing sound signals to sight signals: If the job requires action to be taken in response to a signal or sign and the relevant sense is impaired, for example vision, the

signal may be converted for another sense and a bell sound may be used instead. Likewise, in the case of hearing impaired persons, a bell sound can be replaced with a signal light flasher. These modifications are usually easily incorporated in, or added to, existing machines.

## **MEDICAL AND PSYCHOMETRIC ASSESSMENTS**

Medical and psychological testing should comply with the requirements of the Employment Equity Act, Act 55 of 1998 as amended by Act 47 of 2013 and must be relevant and appropriate to the work for which the person is being tested. Psychometric tests that are valid, reliable and not biased can be administered fairly to all workers or groups. The assessment must also be classified by the Health Professions Council of South Africa.

Medical testing to determine the health status of a person, should only be carried out after the employer has established that the person is competent to perform the essential job functions.

## **HEALTH AND SAFETY**

Medical and psychological testing should comply with the requirements of the Employment Equity Act, Act 55 of 1998 as amended by Act 47 of 2013 and must be relevant and appropriate to the work for which the person is being tested. Psychometric tests that are valid, reliable and not biased can be administered fairly to all workers or groups. The assessment must also be classified by the Health Professions Council of South Africa.

Medical testing to determine the health status of a person, should only be carried out after the employer has established that the person is competent to perform the essential job functions.

## **WORKER'S COMPENSATION**

An employee may sustain a partial, temporary or permanent disability in the course of employment and may require assistance from the employer to access compensation. Such an employee may be entitled to compensation in terms of the Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993 as amended by Act No 61 of 1997.

The main objective of the Compensation Fund is to provide for compensation for disablement caused by occupational injuries or diseases, sustained or contracted by workers during the course of their work.

Employers must report all workplace accidents to the Compensation Fund in terms of the law.



The nearest office of the Department of Employment and Labour should be contacted for assistance. Employees also have a responsibility to inform employers about accidents.

Only employers contribute financially to the Compensation Fund.

If an employee has a temporary total disability (an injury that gets better), an employee will get 75% of his/her salary for the time that he/she is unfit for duty, provided he/she does not receive a salary from he/she employer.

If an employee has a permanent disability (a disability for the rest of the employee's life), an assessment of the disability will be done in accordance with the Compensation for Occupational Injuries and Diseases Act.

- If the disability is assessed to be 30% or less, a once-off lump sum payment will be made for the injury
- If the disability is assessed and is more than 30%, the employee will receive a monthly pension for life. The amount of this pension is calculated on the employee's salary at the time of the accident, the percentage of disability and the benefits applicable at the time of the accident.

## RETENTION

The employer is required to ensure the retention of existing staff with disabilities through rehabilitation, training or any other appropriate measure. Where an existing employee becomes disabled, the employer must ensure that the employee return to the same position, before considering alternatives, like re-deployment. Based on operational requirements, the employer must give objective consideration to requests from employees with disabilities for reduced, part-time or alternative duties.





## TIPS FOR WORK-SEEKERS WITH DISABILITIES

If you have a disability, Employers may be reluctant to employ you and the employer may have some concerns. It is up to you to show prospective employers that, despite your disability, you are a suitable candidate for the job.

### Here are a few tips to keep in mind when searching for work:

- Have you organised and planned your job search? Use a variety of job-hunting techniques instead of just one.
- Many jobs are advertised on the internet-ask the Employment Counsellor at the Labour Centre for advice.
- Do research to identify potential work opportunities in your area.
- Identify persons who might be aware of prospective employers that can help you to find a job.
- Compile a comprehensive CV. You can find information about writing your CV in bookstores, libraries, on the internet and also from Counsellors of the Department of Employment and Labour.
- Remember that the more potential employers you meet, the better your chances will be of getting the job you want.
- If you have applied for a job, follow up with a phone call to confirm that the employer received your application.
- Know your own capabilities and limitations.
- You must know what the job you are applying for entails and what you can contribute towards achieving the goals of the company.
- Prepare well for a job interview.
- Find out where the company is situated well in advance.
- Dress appropriately.
- Arrive 15 minutes earlier.
- If you are required to undergo psychometric testing, enquire about the different purposes for which you will be tested and request the necessary reasonable accommodation to enable you to be tested.
- Present yourself in the most positive manner. Your aim must be to "market" yourself as a suitable candidate for the job.
- Make the interview easy for the employer and be confident.
- Be honest.



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- Be able to explain in your own words the type of reasonable accommodation that you require relating to the specific nature, degree and severity of your disability.
- Take responsibility to ask for reasonable accommodation if you should require any.
- Know that you have the right to ask for reasonable accommodation at any stage of the employment process.
- Be responsible enough to know that the reasonable accommodation must be a viable option for both yourself and the employer.
- Know what technologies can help you work effectively, how much they cost and where they can be obtained.
- Know your rights and familiarise yourself with current legislation.
- Don not let past failures affect you negatively.

## **EDUCATION AND AWARENESS ON PERSONS WITH DISABILITIES AND THE WORKPLACE**

The only way to overcome fears, myths and negative attitudes about the abilities of employees and applicants with disabilities, is through vigorous education and awareness-raising within the private and public sectors.

Furthermore, experience has shown that persons with disabilities are the best qualified persons to be the drivers of such education and awareness programmes. As a person with a disability, you can become a change agent in the community, by:

- Playing a leading role in creating awareness on disability issues in the workplace.
- Guiding the development of all awareness programmes in the workplace.
- Considering becoming a member of trade unions and any representative structures within the workplace in order to ensure hands-on disability awareness training.

## **NEEDING ASSISTANCE WITH EMPLOYMENT SERVICES?**

The Department of Employment and Labour established labour centres across the country to provide employment services. Please contact your nearest labour centre.





# CONTACT DETAILS

## Labour Head Office:

Telephone Number(s): (012) 309 4000

## Provincial Offices:

Eastern Cape Provincial Office  
Free State Provincial Office  
Gauteng Provincial Office  
KwaZulu-Natal Provincial Office  
Limpopo Provincial Office  
Mpumalanga Provincial Office  
North West Provincial Office  
Northern Cape Provincial Office  
Western Cape Provincial Office

Telephone Numbers: (043) 701 3128  
Telephone Numbers: (051) 505 6200  
Telephone Numbers: (011) 853 0300  
Telephone Numbers: (031) 366 2000  
Telephone Numbers: (015) 290 1744  
Telephone Numbers: (013) 655 8700  
Telephone Numbers: (018) 387 8100  
Telephone Numbers: (053) 838 1500  
Telephone Numbers: (021) 441 8000

CONTACT DETAILS: LABOUR CENTRES  
(SCAN THE CODE WITH YOUR PHONE)

[www.labour.gov.za](http://www.labour.gov.za)





“ Know your rights and  
familiarise yourself with  
current legislation. ”





## employment & labour

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Employment and Labour  
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