



## DRAFT DISABILITY POLICY

<b>Policy Number</b>	
<b>Policy Name</b>	Disability Policy
<b>Policy Status</b>	Draft
<b>Version</b>	No 1
<b>Date of Approval</b>	<b>15 December 2018 – C.5</b>
<b>Date of First Implementation</b>	
<b>Date Last Amended</b>	
<b>Date of Next Review</b>	
<b>Purpose</b>	To redress of the disparities of the past to achieve equity in the workplace; and to comply with the requirements of the Employment Equity Act No. 55 of 1998. To implement non-discrimination and affirmative action measures in respect of persons with disabilities in the workplace.
<b>Policy Custodian</b>	Executive Manager – Corporate Services
<b>Related Policies and Legislation</b>	<ul style="list-style-type: none"> <li>• White Paper on an Integrated National Disability Strategy (INDS), 1998</li> <li>• Disability Framework for Local Government: 2009 -2014</li> <li>• Technical Assistance Guidelines on the Employment of People with Disabilities</li> <li>• Code of Good Practice on key aspects of Disability in the workplace</li> <li>• Code of Good Practice in terms of Section 54(1) of the Employment Equity Act, 1998</li> <li>• Access to Information Act, 2000 (Act No 2 of 2000)</li> <li>• Basic Conditions of Employment Act Amended, 2002 (Act No.10 of 2002)</li> <li>• Child Justice Bill 2003</li> <li>• Criminal Procedures Act, 1977 (Act No. 51 of 1977)</li> <li>• Employment Equity Act No 55 of 1998</li> <li>• International Classification of Functioning, Disability and Health</li> <li>• National Health Act, 2003 (Act No. 61 of 2003)</li> <li>• Labour Relations Act, (Act No.66 of 1995)</li> <li>• National Development Agency Act, 1998 (Act No. 108 of 1998)</li> <li>• Non Profit Organisations Act, 1997 (Act No. 71 of 1997)</li> <li>• Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)</li> <li>• Prevention and Treatment of Drug Dependency</li> </ul>

	<p>Act, 1992 (Act 20 of 1992 as amended)</p> <ul style="list-style-type: none"> <li>• Public Finance Management Act, 1999 (Act No. 1 of 1999)</li> <li>• S.A. Schools Act (Act No. 84 of 1996)</li> <li>• Skills Development Amendment Act (Act No 31 of 2003)</li> <li>• The S.A Constitution (Act 108 of 1996)</li> </ul> <p><b>Policies</b></p> <ul style="list-style-type: none"> <li>• White Paper on Population Policy for South Africa (1998)</li> <li>• White Paper on the Integrated National Disability Strategy (1997)</li> </ul> <p><b>National and International Disability Instruments:</b></p> <ul style="list-style-type: none"> <li>• African Charter on the Rights of the Child</li> <li>• South African Disability Human Rights Charter</li> <li>• Plan of Action on the African Decade for Disabled People</li> <li>• Standard Rules on the Equalisation of Opportunities for People with Disabilities</li> <li>• United Nations Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (draft)</li> <li>• United Nations Convention on the Rights of the Child</li> <li>• United Nations Declaration of Human Rights</li> <li>• United Nations Millennium Declaration</li> </ul> <p>World Programme of Action Concerning Disabled Persons</p>
<b>Approving Authority</b>	Council
<b>Applicability</b>	This policy is applicable to Eden District Municipality
<b>Stakeholders Consulted</b>	MANCOM, Employment Equity Committee, HR Section, Unions, Local Labour Forum

**TABLE CONTENTS**

<b>NR</b>	<b>TABLE CONTENT</b>	<b>PAGE</b>
<b>1</b>	<b>EDEN VISION</b>	<b>5</b>
<b>2</b>	<b>EDEN MISSION</b>	<b>5</b>
<b>3</b>	<b>EDEN VALUES</b>	<b>5</b>
<b>4</b>	<b>FORWARD</b>	<b>5</b>
<b>5</b>	<b>PURPOSE</b>	<b>6</b>
<b>6</b>	<b>VISION &amp; MISSION ON PERSONS WITH DISABILITIES</b>	<b>7</b>
<b>7</b>	<b>DEFINITIONS</b>	<b>8</b>
<b>8</b>	<b>POLICY</b>	<b>8</b>
<b>9</b>	<b>MANAGING PEOPLE WITH DISABILITIES</b>	<b>10</b>
<b>10</b>	<b>EMERGENCY AND DISASTER PLAN</b>	<b>10</b>
<b>11</b>	<b>CONSENSUS</b>	<b>10</b>
<b>12</b>	<b>PROCESS</b>	<b>10</b>
<b>13</b>	<b>FIRE EVACUATION GUIDANCE FOR PERSONS WITH DISABILITIES</b>	<b>12</b>

## **1. EDEN VISION**

**“Eden, the leading, enabling and inclusive district, characterised by equitable and sustainable development, high quality of life and equal opportunities for all.”**

## **2. EDEN MISSION**

In order to achieve its vision, the Eden District Council accepted the mission below. The Eden District Municipality as a category C local authority strives, to deliver on our mandate through:

1. Unlocking resources for equitable, prosperous and sustainable development.
2. Provide the platform for coordination of bulk infrastructure planning across the district.
3. Provide strategic leadership towards inclusive / radical / rigorous socio-economic transformation to address social, economic and spatial injustice.
4. Redress inequalities, access to ensure inclusive services, information and opportunities for all citizens of the district.
5. Initiate funding mobilisation initiatives/ programmes to ensure financial sustainability.
6. Coordinate and facilitate social development initiatives.

## **3. EDEN VALUES**

**In addition to our six values, Eden District Municipality also ascribe to the eight Batho Pele principles. Integrity, Excellence, Inspired, Caring (Ubuntu), Respect and Resourcefulness.**

### **Eden Strategic goals**

1. Healthy and socially stable communities.
2. Build a capacitated workforce and communities.
3. Conduct regional bulk infrastructure planning, implement projects, roads maintenance & public transport; manage & develop council fixed assets.
4. Promote sustainable environmental management & public safety.
5. Ensure financial viability of the Eden District Municipality.
6. Promote good governance.
7. Grow the economy

### **FORWARD:**

Government has developed a framework outlining specific measures that Local Government can take to include people with disabilities into its workforce so that they can actively participate in service delivery.

The Disability Framework for Local Government was launched by the late Minister of Provincial and Local Government Sicelo Shiceka, along with the former Minister in the Presidency Manto Tshabalala-Msimang and former Chairperson of South African Local Government Association (SALGA), Amos Masondo, in Pretoria on 17 March.

Speaking at the launch, Chairperson of the South African Local Government Association (SALGA), Amos Masondo, said the framework would set guidelines for all spheres of government to take into account the interests and needs of the disabled. "Our aim is to help ensure the championing of disability rights and create and empower persons with disabilities. We also seek to help mainstream disability in all activities and programmes in local governments and in municipalities," Mr Masondo said.

## **1. PURPOSE / DOEL**

Since the adoption of the new Constitution of South Africa, the rights of people with disabilities in particular have been enshrined and with the publication of the White Paper on an Integrated National Disability Strategy (INDS) in 1998, the process of addressing the inequalities in society faced by people with disabilities has begun. All employers should recognise the importance of the well-being of their employees and their right of access to the workplace with reasonable accommodation for different disabilities.

In the development of a policy on the management of disability in the workplace, the Code of Good Practice on key aspects of Disability in the workplace and the Technical Assistance Guidelines on the Employment of People with Disabilities are very important documents, which should form an integral part of the policy. The Code of Good Practice in terms of Section 54(1) (a) of the Employment Equity Act, 1998 (as amended) is based on the Constitutional principle that no one may unfairly discriminate against a person on the grounds of disability. Various national and provincial policies require from each local authority to comply within the policies set out by National Government regarding persons with disabilities

The **AIM** of the policy is to:

- guide and inform the mainstreaming of disability through developing and implementing departmental policies, strategies and integrated service delivery programs,
- facilitate the provision of integrated services to people with disabilities and to
- Provide guidance to Eden DM in terms of addressing social barriers that exclude people with disabilities, which impede full and equitable integration and inclusion into mainstream society.

The **OBJECTIVES** of the Policy is to:

- integrate and mainstream disability across social development practices and into existing departmental policies, strategies and programmes that are aligned to departmental mandates
- facilitate transformation shifts within the department and society as a whole regarding disability issues
- define the role of social development in service provision to people with disabilities
- facilitate development and implementation of an integrated and comprehensive social security system
- serve as overarching policy framework on disability within the department

The Code of Good Practice deals with the following topics:

- Reasonable Accommodation for People with Disabilities
- Recruitment and Employment
  - Employment Equity Plans
  - Inherent job requirements
  - Recruitment/Advertising
  - Selection
  - Interviews
  - Terms and conditions of employment
  - Conditional job offers

Medical and Psychometric Testing

- Medical testing
- Testing after illness or injury
- Health screening and safety
- Pre-benefit medical examinations
- Placement
- Training and Career Advancement
- Retaining People with Disabilities
- Termination of Employment

## **2. VISION**

To transform Eden District Municipality through the mainstreaming of disability issues in terms of disability awareness, accessibility and skills development of persons with disabilities to be the leading disabled-friendly town in the region.

## **3. MISSION**

- Integrate disability issues in all development strategies, planning and programmes of all Departments to ensure mainstreaming of disability issues;

- Promote equal opportunities and equity for persons with all types of disabilities in the workplace;
- Promote reasonable accessibility/accommodation for disabled employees in the workplace;
- Eliminate discrimination against persons with disabilities;
- Sensitise all employees and increase awareness of disabilities;
- Ensure the development of an integrated and co-ordinated management as being part of the planning, implementation and monitoring of all Directorates in the municipality;
- Promote capacity-building and public education on disability issues.

#### **4. DEFENITIONS / DEFINISIE**

##### **PERSON WITH A DISABILITY:**

A disability is a condition or function judged to result in significant impairment relative to the usual standard of an individual. The term is used to refer to individual functioning including physical impairment, intellectual impairment, mental illness and various chronic diseases. There may be effects on organs or body parts and there may be effects on a person's participation in areas of life. Three dimensions of disability are recognised:

- Body structure and function and the impairment thereof
- Activity restrictions, and
- Participation restrictions.

A person with a disability is defined as an individual whose prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment.

People are considered to be disabled once they have met all the criteria in the following definition:

- having a physical or mental impairment
- which is long-term or recurring; and
- Which substantially limits their prospects of entry into, or advancement in employment?

#### **5. POLICY / BELEID**

***INFORMATION PROGRAMME: DISABILITY IN THE WORKPLACE AND IN THE COMMUNITY***



## **5.1 Education and Information:**

All Municipal employees and Councillors must be informed and educated through on-going disability awareness and sensitisation programmes.

The objectives of the education and information programmes are to:

- Impart a basic knowledge about disability and related issues, e.g. reasonable accommodation;
- Eliminate discrimination against persons with disabilities through dispelling any ignorance about different types of disabilities and the basic needs to accommodate persons with disabilities;
- Protection of persons with disabilities against discrimination through applicable legislation.

Aims of above:

- Know what disability is;
- Understand the different types of disability;
- Understand concept of reasonable accommodation;
- Knowledge of the legislation in order to prevent discrimination against person with disabilities;
- Understand both structural and emotional access;
- Understand legal and ethical issues (confidentiality and disclosure);
- Be aware of equipment, changes and other related needs of persons with disabilities

## **5.2 Employee Benefit Scheme**

The Eden District Municipality will endeavour to ensure that employees with disabilities will not be discriminated against with regard to employee benefits.

### **• Medical Aid Schemes:**

The Eden District Municipality will try to impress upon medical aid funds to which employees contribute that a non-discriminatory attitude towards persons with disabilities must be maintained and to treat such persons in a similar manner as non-disabled persons.

Normal benefits should be available to all who qualify as “disabled.”

### **• Pension/Retirement Funds**

The Eden District Municipality will try to impress upon funds to which employees contribute that they must maintain a non-discriminatory attitude towards persons with special needs and to treat such persons in a similar manner as non-disabled persons.

No person should be denied access to Pension or Retirement funds on the grounds of disability alone provided that they fulfil initial criteria for admission.

## **6 MANAGING PERSONS WITH DISABILITIES**

Should an employee become disabled while in the employ of Council, a work assessment and recommendation for reasonable accommodation in their current employment must be done. A re-assessment may be done for skills, competency and suggestions in order to reasonably accommodate the employee in another Department and/or Section for as long as is practicably possible.

Employees with disabilities will be governed without distinction or discrimination to existing sick leave allocations (sick leave policy). Persons with special needs should be given appropriate training, support and development opportunities in various skills in order to be able to reach his/her full potential. This is especially important in view of the lack of training opportunities for persons with disabilities have had in the past. It is also important that training be aimed not only at entry level posts but also for more senior positions for persons with disabilities have traditionally mainly been employed in junior posts.

## **7 EMERGENCY AND DISASTER PLAN**

### **SHE Management System. Corporate Standard – Emergency Preparedness and Evacuation Plan**

The above-mentioned plan provides for an emergency plan to be implemented for employees working on the different floors of the main building and in different buildings of the Municipality. Evacuation of persons with special needs should not be a prevention or exclusion to access the workplace on any of the municipal buildings with more than one floor, nor would that be applicable to prevent employment of persons with special needs in any other municipal building.

Appropriate equipment such as an evacuation chair for persons with disabilities to evacuate the building in the event of an emergency should be made available.

## **8 PROCESS / PROCESSES**

### **IMPLEMENTATION:**

- The Council's Human Resources Division is responsible for the monitoring of the implementation of a Policy for persons with disabilities;
- Institutional Management is responsible for the implementation of this policy in terms of the necessary processes, systems and procedures;

- Line managers are responsible for adhering to the policy as well as the processes and procedures.
- The Human Resources Division is responsible for the administration processes and the provision of management information.

Employees with disabilities have the right not to be dismissed unfairly on the basis of their disability.

Should an employee become disabled while in the service of Council, every effort should be made to accommodate that employee either in an alternative position or at an alternative work station. This is especially important for employees who are injured on duty. In terms of Schedule 8 of the Labour Relations Act 66 of 1995, every effort should be made to reintegrate a disabled person into the workplace.

Should an employee have been ill or injured and it appears that the employee is not able to perform the inherent job requirements, the employee may then be required to agree to a FUNCTIONAL DETERMINATION OF DISABILITY.

The above shall be to assess whether the employee can safely perform the job requirements and identify possible reasonable accommodation for the employee.

If all efforts to provide reasonable accommodation for the employee are unsuccessful, the incapacity route must be followed. The Eden District Municipality must ensure that as far as possible, the employee's right to confidentiality is maintained during an incapacity proceeding

# **EDEN DISTRICT MUNICIPALITY**

## **FIRE EVACUATION GUIDANCE FOR PEOPLE WITH DISABILITIES**



## **Introduction**

This Guidance is to assist staff, clients and visitors who are disabled or have special needs, or could be responsible for, or involved with a person with a disability in the event of a fire evacuation.

It is of particular relevance to persons who use wheelchairs, or have impaired mobility. It is also of relevance to any person who has a disability, which is less obvious, for example, heart problems, arthritis etc., and those who have poor sight or hearing.

## **Safe Areas**

Within Eden DM buildings there are areas, such as stairwells, which are protected from fire for a minimum of 30 minutes. On reaching such a location a person is safe from the danger of fire for sufficient time for them to be evacuated from a building, should this be required.

Within the Eden DM these areas have been identified and are called 'Safe Areas', with their locations identified by a green and white sign with a wheelchair symbol. A Safe Area can also be referred to as a 'Refuge Point for Disabled People'.

Any person who may require using a Safe Area during fire alarm activation should make themselves familiar with their location in advance. Details on the location of Safe Areas may be obtained from the Health and Safety Officer.

Staff members who have declared mobility problems with Support Services will be given details of the Safe Areas from a Health and Safety Adviser (Disabilities).

## **Evacuation of persons with a disability**

The problems encountered by persons with a disability evacuating a building in the event of a fire will vary with the disability of the individual and the physical configuration of the building. Whatever the parameters of each individual case, in the event of a fire alarm sounding a disabled person should try to leave the building.

### **Lifts must not be used in the event of a fire evacuation.**

If a member of staff or client considers that they will encounter difficulty evacuating a building, it is important that they make their Line Manager or Supervisor and Health and Safety Officer familiar with their difficulty, to ensure that they are assisted in the event of an evacuation and that the following is understood.

## **Impaired Mobility**

If it is not possible for a disabled person to leave a building, they should go to a Safe Area and arrange for someone to inform the person in charge of the evacuation (from either the Health and Safety Officer or Fire Brigade) of their location to ensure that, should it be necessary, they are evacuated. A friend/colleague can stay with a disabled person in the Safe Area.

## **Impaired Vision**

Any person who is visually impaired should familiarize themselves with escape routes, especially fire exits which are not in general daily use. Where possible, a sighted person should accompany the individual along the escape route to the assembly car park, so that they may be warned of any hazards and reassured during the evacuation.

## **Impaired Hearing**

If a person is hearing impaired they may experience difficulty in hearing the fire alarm. However, some people may have sufficient perception of certain types of audible alarm signals to require no additional provision. It is important for anyone who has difficulty in hearing the fire alarm to set in place a system for colleagues to alert them when the fire alarm is sounding.

## **Lone Working**

If a situation arises which necessitates that a member of staff or client, with a disability that may impair their ability to respond to the fire alarm, will be working alone, then the individual must ensure that they notify Security Officer on internal extension 1373 (or 044 803 1300 from a mobile or external telephone) of their location. Steps can then be taken to ensure their evacuation in case of a fire. If Security is informed of lone working, it is essential that they are informed upon its conclusion.

## **Additional Information**

Staff who are made aware of colleagues, clients or visitors with disabilities should ensure that they are assisted to evacuate the building or be moved to a Safe Area when the fire alarm sounds.

Anyone with specific needs, or who has concerns relating to a visitor, or a colleague with specific needs and wishes to discuss any problems with regard to evacuation in the event of a fire should contact either Health and Safety Officer, their Supervisor, their Disability Co-ordinator, (Disabilities) within the Department of Support Services as appropriate.

## **For Further information or Support**

**Staff: Please contact Personnel on ext: 1373**

**Clients/Visitors: Please contact Personnel on ext: 1373**

email [helpdesk@edendm.co.za](mailto:helpdesk@edendm.co.za)

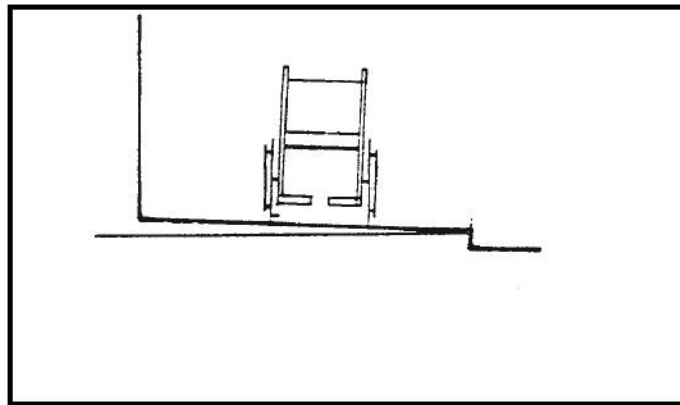
## FACILITIES FOR DISABLED PERSONS

---

The following facilities are to be provided for Disabled people, **should the National Building Regulations and Building Standards Act of 1977 require** the facilities to be provided in any building.

### Ramps for wheelchairs

- With a gradient of **1:12**, where the difference in level of the ends of the ramp is **greater than 400 mm**; or
- **1:10**, where such difference in level **does not exceed 400 mm**.
- Must have a clear trafficable surface **not less than 1,1 m wide**.
- Surface must be of a **non-slip material**.
- A landing is to be provided **for every 1,5 m of vertical rise, not less than 1,2 m** in length and the same width as the ramp.
- At entrance doors, the ramps surface should be level with a **minimum length of 2 m** if the door opens towards the ramp, and **1,8 m** if the door opens away from the ramp.
- A handrail on the side should be provided if the change between the ends of the ramp is **greater than 600 mm**, and should be positioned **between 850 mm and 1m** above the surface of such ramp, and is to follow the gradient of the ramp.
- The camber on ramps shall not exceed **1:40**.



Ramp for wheelchairs with a camber

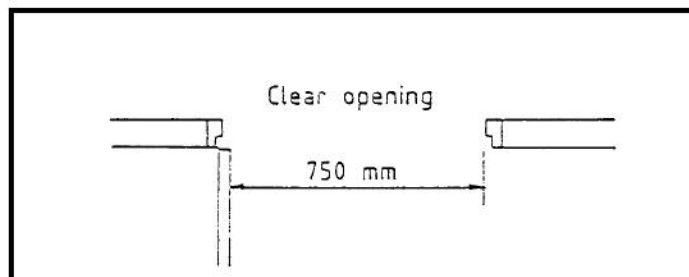


## Parking Bays

- Where provision has been made within or outside any building for the parking of **more than 50** motor vehicles, **at least one space per 200** or part thereof of the total number of parking spaces shall be provided for the parking of disabled persons, and shall be of **approved length**, not less than **3,5m in width**, on a **level surface**, and be **located as near as possible** to the entrance of such building. These parking bays are to be **clearly demarcated** as being intended for the use of disabled persons. A vertical sign incorporating the international symbol for access by disabled people, and a sign indicating **"No Parking Except For Disabled Persons"** shall identify parking spaces.

## Doorways

- Doorways designed for use by disabled people shall allow free access for wheelchairs. The clear opening shall be at least **750 mm**.

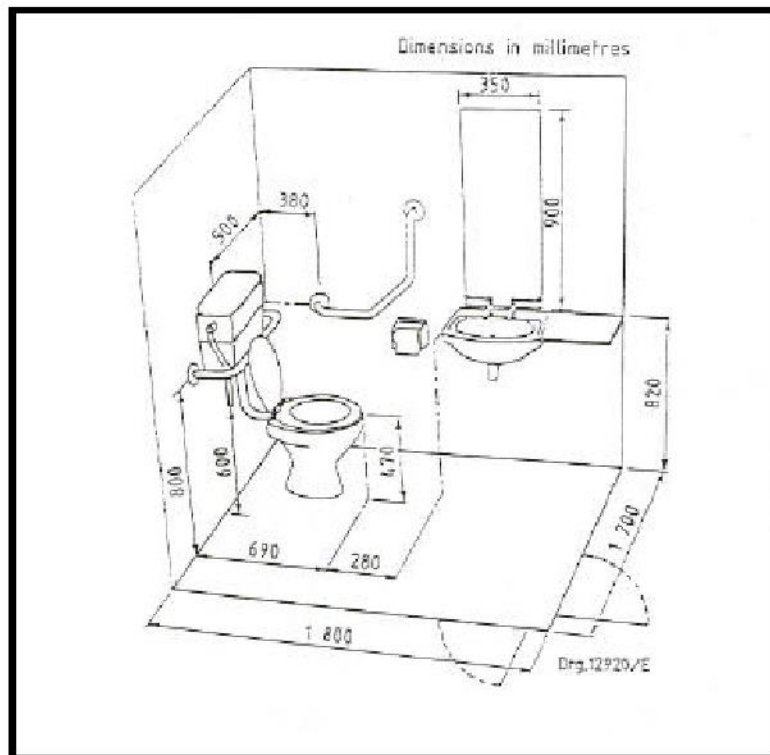


disabled Doorway opening for the

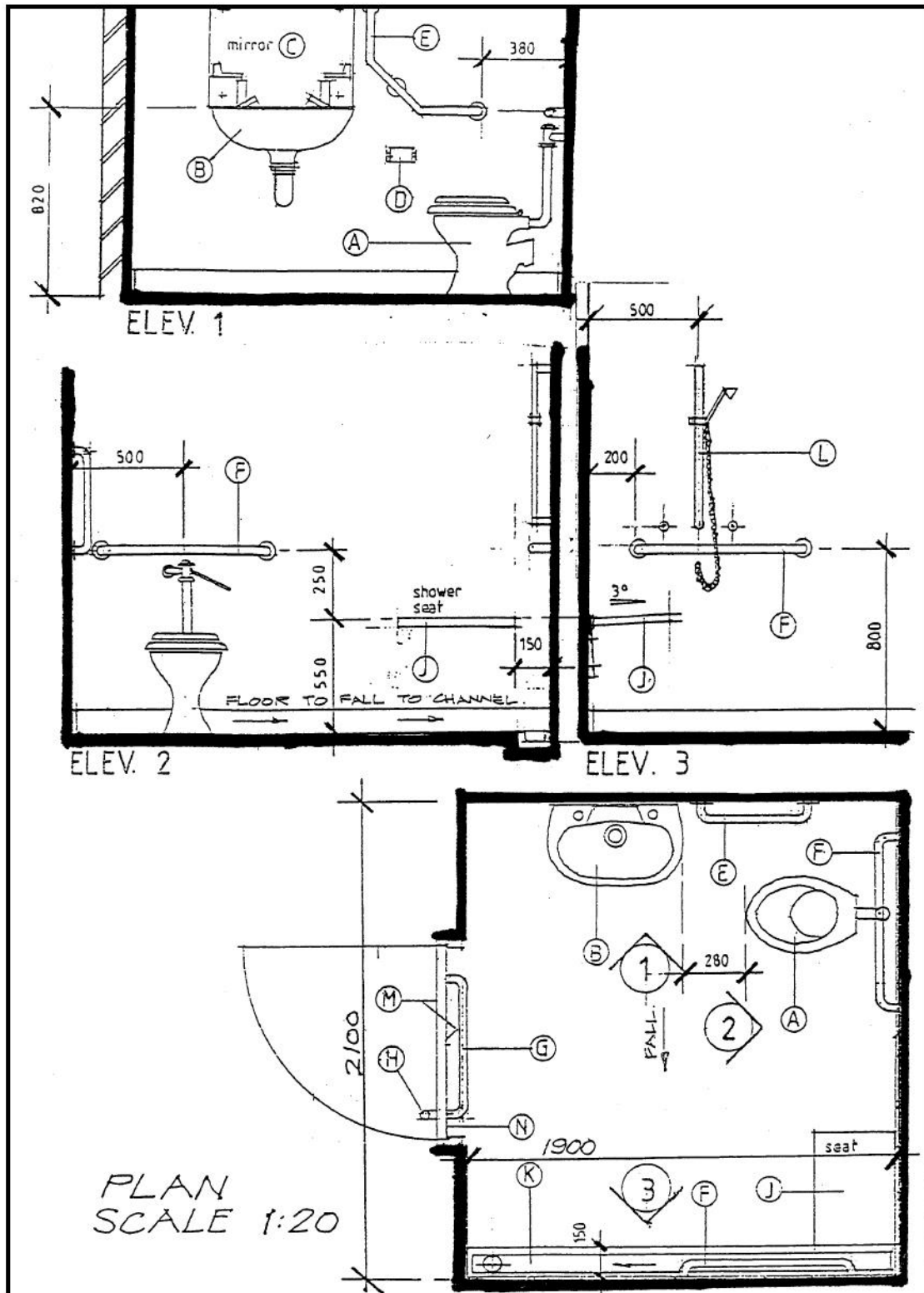
## Toilet facilities

- For **every 20 toilet** compartments, which would have to include urinals, that are provided, **1 toilet** compartment for the disabled shall be provided, with minimum internal dimensions of **1,7 m by 1,8 m**. Disabled toilets are the only toilet facilities that operate as **"dual sex"** toilets i.e. a male may have to assist a disabled female in the toilet or vice versa.

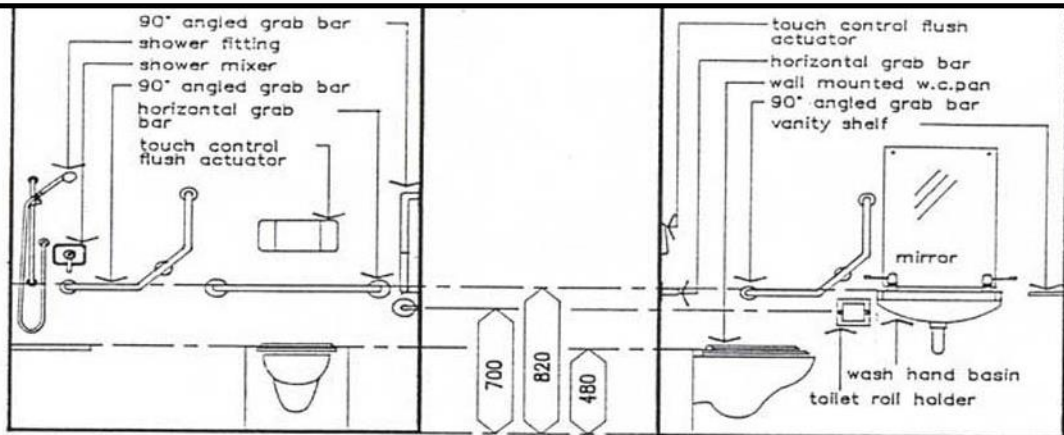
The diagrams below indicates the minimum dimensions for disabled toilets and shower facilities, including doorways.



Layout of a disabled toilet facility

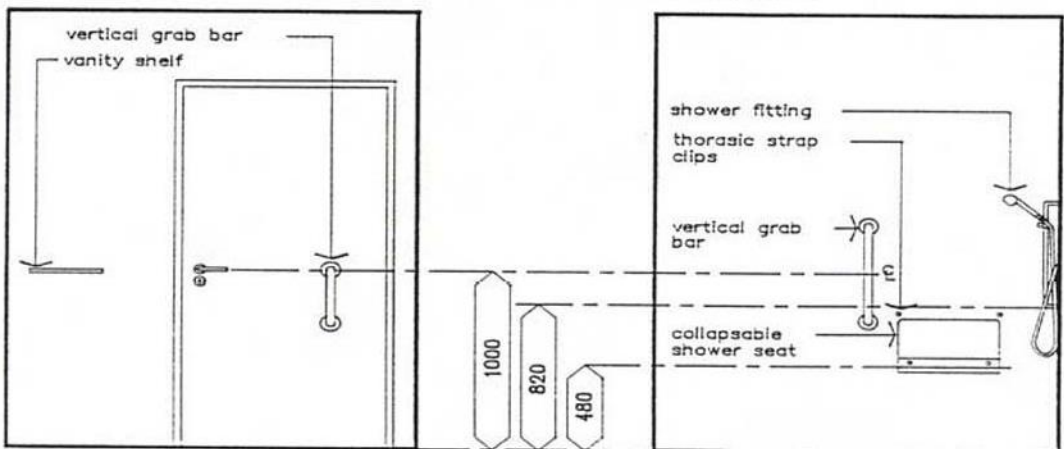


**Minimum dimensions for a disabled WC and shower**



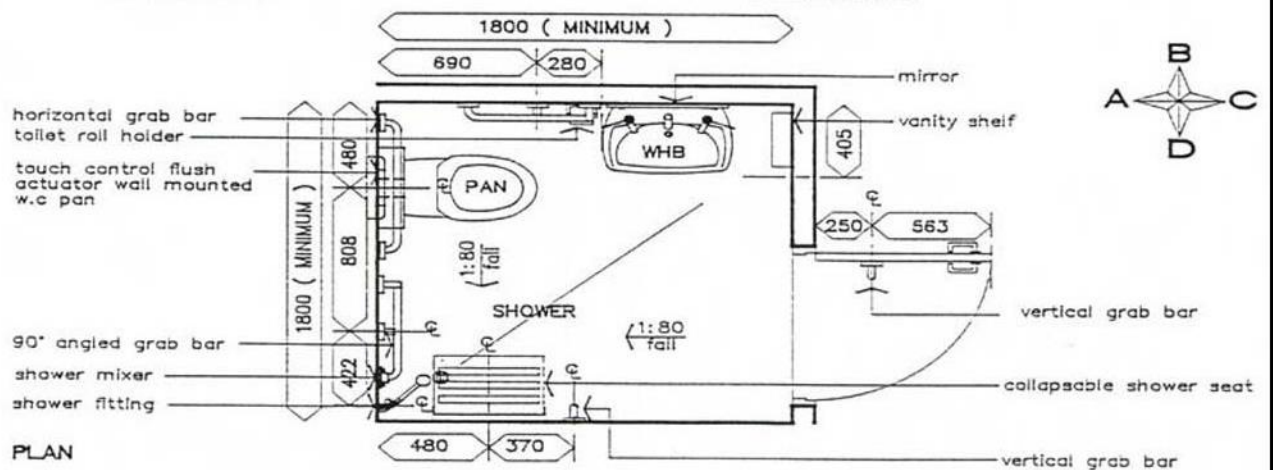
ELEVATION A

ELEVATION B



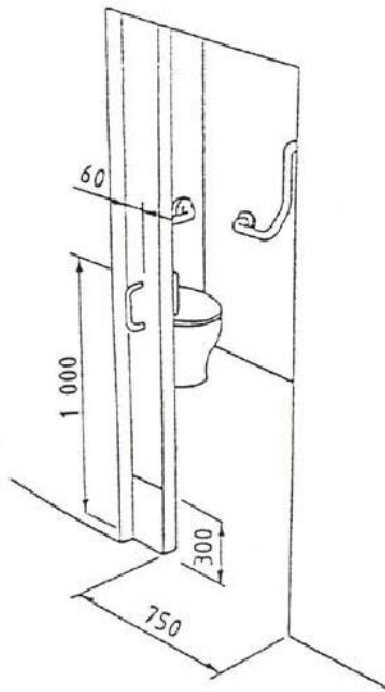
ELEVATION C

ELEVATION D

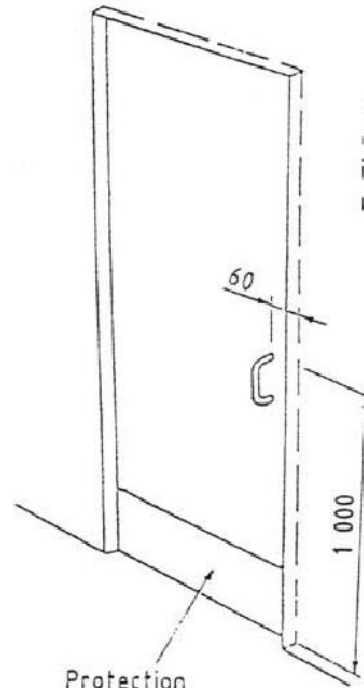


TYPICAL WC AND SHOWER LAYOUT :

Dimensions in millimetres



Sliding door  
open

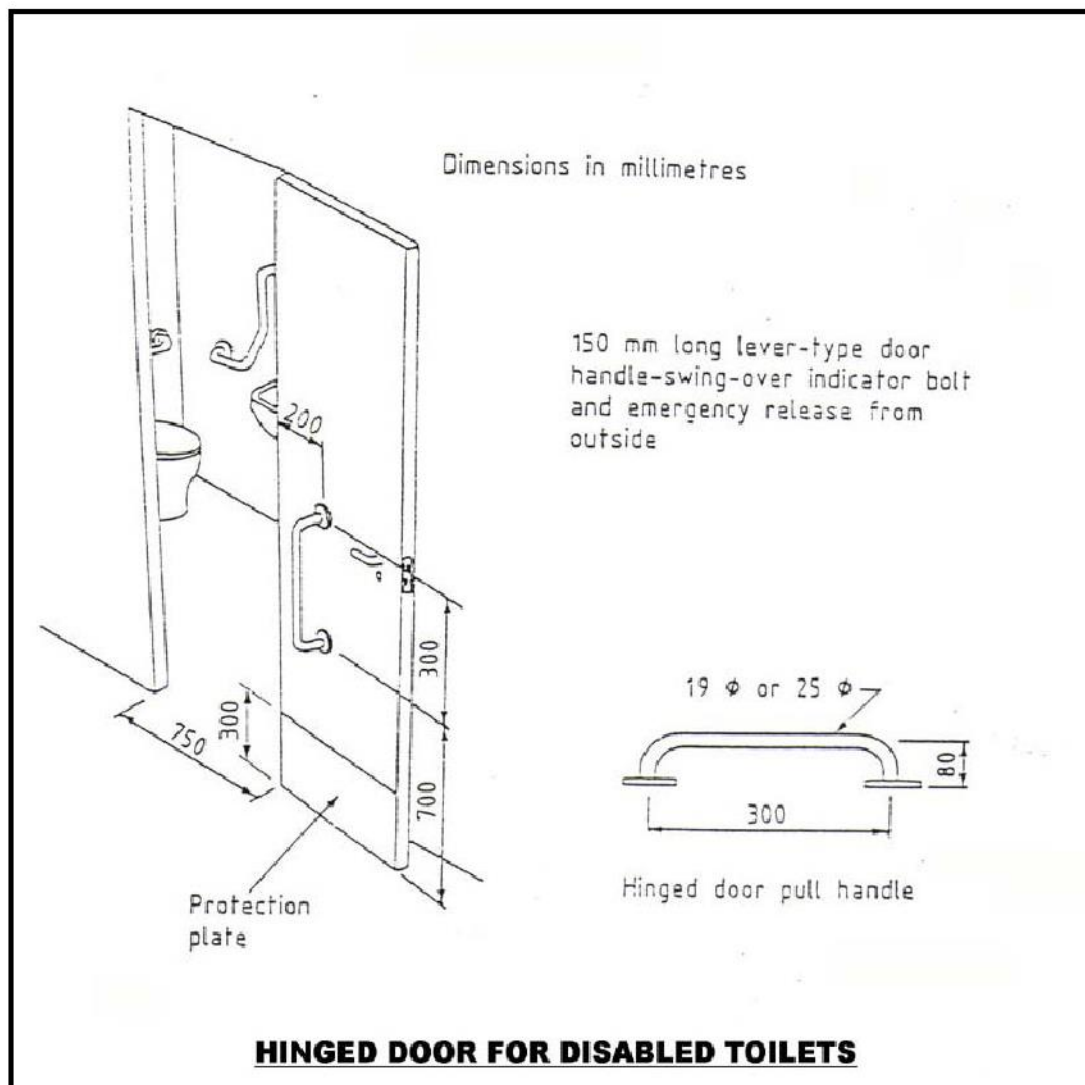


Protection  
plate

Sliding door  
closed

150 mm long pull handles  
on both sides-swing-over  
indicator bolt and emergency  
release from outside

**SLIDING DOOR FOR DISABLED TOILET**



### **Indication of existence of facilities**

- Where facilities for the disabled have been provided, the existence and location shall be indicated, both outside and inside the building. All signage shall comply with international standards.

Refer to **SABS CODE of PRACTICE 0246 - 1993** for further details on provision of disabled sanitary facilities.