



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
AGRICULTURE AND RURAL DEVELOPMENT


Policy on the Rights of Persons with Disabilities

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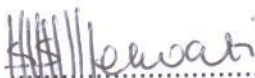

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Head of Department
(Maisela, RJ)

2018-02-06

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Date

Approved by:


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Hon Member of Executive Council
Acting MEC Seaparo Sekoati

2018/02/08

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1. ACRONYMS AND ABBREVIATIONS

AA	AFFIRMATIVE ACTION
DPO	DISABLED PERSONS ORGANIZATION
EEA	EMPLOYMENT EQUITY ACT, 55 OF 1998
EW & SP	EMPLOYEE WELLNESS AND SPECIAL PROGRAMMES
HOD	HEAD OF DEPARTMENT
HR	HUMAN RESOURCES
INDS	INTERGRATED NATIONAL DISABILITY STRATEGY
JASF	JOB ACCESS STRATEGIC FRAMEWORK
PWD's	PERSONS WITH DISABILITIES
UN	UNITED NATIONS
LDARD	LIMPOPO DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT
MEC	MEMBER OF THE EXECUTIVE COUNCIL
OTP	OFFICE OF THE PREMIER
PDG	PREVIOUSLY DISADVANTAGED GROUP
PEPUDA	PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION ACT
WPRPD	WHITE PAPER ON THE RIGHTS OF PERSONS WITH DISABILITIES

2. EXECUTIVE SUMMARY

The Limpopo Department of Agriculture and Rural Development's policy demonstrates the Department's commitment to promote and advocate for the rights of persons with disabilities, in the execution and realisation of its mandate. This policy guideline does not only strive to economically empower persons with disabilities, but to also advocate their rights and thereby creating a conducive environment for productivity. In this regard, LDARD has an obligation that strive for inclusion, integration equality for employees where persons with disabilities enjoy the same rights as their fellow employees within the department.

3. INTRODUCTION

This policy guideline shall apply to all employees and prospective employees in the Limpopo Department of Agriculture and Rural Development. The Constitution of the RSA records South Africa's commitment to the attainment of social justice and the improvement of the quality of life for everyone. The Constitution declares the founding values of our society to be "human dignity, the achievement of equality and the advancement of human rights and freedoms". The White Paper on Integrated National Disability Strategy (INDS) of 1997 represents a paradigm shift in the conceptualisation of disability from the medical or welfare model (which views persons with disabilities as unable to be productive and in need of care) to a social model that recognises the rights and the fact that disability is a human right and a developmental issue. The White Paper on the Rights of Persons with Disabilities (WPRPD) emphasises that persons with disabilities must be accorded equitable social rights as all other people in society because the provision of these rights enable full participation in the life of society. Guided by the above instruments, the Limpopo Department of Agriculture and Rural Development is committed to achieve inclusive society based on equality for all.

4. PURPOSE AND THE OBJECTIVES OF THE POLICY

The purpose and objectives of the policy are therefore to:

- 4.1 Promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and promote respect for their inherent dignity.
- 4.2 Ensure that all persons with disabilities irrespective of race, gender, or creed are able to enjoy their fundamental freedoms and human rights in the LDARD and its services.
- 4.3 Take all appropriate measures to eliminate discrimination on the basis of disability.
- 4.4 Remove and eradicate barriers which prevents or discriminate persons with disabilities from accessing opportunities in the LDARD and its services.
- 4.5 Implement non-discrimination and affirmative action measures in respect of persons with disabilities in the LDARD and its services.
- 4.6 Ensure that the persons with disabilities know their rights.
- 4.7 Ensure that persons with disabilities exploit opportunities that exist to prepare for entering and career advancing in the workplace.
- 4.8 Ensure reasonable accommodation for employees with disabilities in the workplace.

- 4.9 Raise awareness throughout work place and foster respect for the rights and dignity of persons with disabilities.
- 4.10 Combat stereotypes, prejudices and harmful practices relating to persons with disabilities.

5. AUTHORITY OF THE POLICY

This policy is issued under the authority and the functions under the custodianship of the Hon. Member of the Executive Council (MEC) as the Executing Authority and Head of the Department (HOD) as the Accounting Officer in the Limpopo Department of Agriculture and Rural Development (LDARD).

6. LEGAL FRAMEWORK

6.1 Core legislation and prescripts

The policy is aligned and reflects the provisions of the following core legislation and prescripts:

- 6.1 The Constitution of the Republic of South Africa, 1996 (specifically Chapter 2: Bill of Rights)
- 6.2 Employment Equity Act, 55 of 1998
- 6.3 Labour Relations Act, 66 of 1995
- 6.4 Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000
- 6.5 The White Paper on an Integrated National Disability Strategy (INDS 1997)
- 6.6 Job Accesses Strategic Framework on the recruitment, Employment, and Retention of persons with Disabilities in the public service
- 6.7 Technical Assistance Guidelines on the Employment of Persons with Disabilities.
- 6.8 United Nations convention on the Rights of Persons with Disabilities and Optional Protocol
- 6.9 White Paper on the Rights of Persons with Disabilities.

7. SCOPE OF APPLICATION

This policy, except otherwise indicated, is applicable to all employees, prospective applicants in the Limpopo Department of Agriculture and Rural Development (LDARD).

8. DEFINITIONS

The following definitions are applicable for the purpose of this policy:

- 8.1 **Persons with disabilities:** Include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
- 8.2 **Discrimination:** Means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.
- 8.3 **Department:** Limpopo Department of Agriculture and Rural Development.

- 8.4 **Prospective Candidate:** The candidate selected as being the most suited to fill a particular position of which in this case is a disabled person.
- 8.5 **Employer:** The word employer is used to cover both the individual person who may be the employer in legal terms, as well as the organisation which is responsible for implementing Public Service Human Resource Management policies.
- 8.6 **Previously Disadvantaged Group:** Persons who have suffered unfair discrimination in the past.
- 8.7 **Reasonable accommodation:** Means necessary and appropriate modification and adjustment not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities. The enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.
- 8.8 **Enabling environment:** Interrelated physical and other infrastructures, built environment, culture, laws, policies, information and communication technologies, and organisations that must be in place to facilitate the socio-economic development of persons with disabilities.
- 8.9 **Universal Access:** The removal of cultural, physical, social and other barriers that prevent persons with disabilities from entering, using or benefiting from the various systems of society that are available to other citizens and residents.

9. POLICY PRONOUNCEMENTS

The Limpopo Department of Agriculture and Rural Development (LDARD) is committed to protect the constitutional requirements and declares the founding values of our society to be “human dignity, the achievement of equality and the advancement of human rights and freedoms”. The Bill of Rights (Chapter 2 of the Constitution) highlights equality of all persons, specifically the right to equality and non-discrimination on the basis of, amongst others, disability which this institution seeks to uphold and protect.

9.1 ENABLING ENVIRONMENT

9.1.1 The LDARD shall develop capacity building programmes to deal with issues of stigma, discrimination in the workplace, and disability mainstreaming within its services.

9.1.2 The LDARD shall take appropriate measures to ensure that persons with disabilities access on an equal basis with others, to the physical environment, to information, emergency services and electronic systems and to other facilities and services open or provided to the public is accessible.

9.1.3 Sensitisation programmes about the privileges, rights and needs of persons with disability will be rolled out in the LDARD.

9.1.4 To combat stereotypes, prejudice and harmful practices relating to persons with disabilities.

9.1.5 The LDARD shall provide reasonable accommodation and accessibility from planning stage.

9.1.6 The responsibility to create an enabling environment for all employees.

9.2 HUMAN RESOURCES RECRUITMENT OF PERSONS WITH DISABILITY

9.2.1 The Department shall make use of the recruitment methods that will reach out to persons with disabilities.

- 9.2.2 All advertisements will also be forwarded to the DPOs (or Disabled Persons Organisations).
- 9.2.3 Fair discrimination may be applied to enable the recruitment of persons with disabilities.
- 9.2.4 For the purpose of affirming PDG and persons with disability in particular in accordance with AA and EEA the department may use any of the following:
- a) Prior Learning.
 - b) Relevant experience.
 - c) Identified Potential.
 - d) Capacity to acquire, with reasonable time, the ability to do the job.
 - e) Equal representation of persons with disability shall be done in all components and at all levels.

9.3 SELECTION OF PEOPLE WITH DISABILITY

- 9.3.1 The LDARD shall carefully document the selection process to ensure that it is in a position to prove that there was no discrimination against applicants with disabilities.
- 9.3.2 The LDARD shall provide assistance for those who have a challenge to reach the destination where interviews will be held.
- 9.3.4 The LDARD shall make use of communication devices which are user friendly to the nature of disability.
- 9.3.5 The employers shall enquire in advance about the nature of disability and the reasonable accommodation the prospective candidate will require.
- 9.3.6 Prospective candidates with intellectual and mental impairment shall be subjected to a one on one interview and not a panel.
- 9.3.7 To the deaf prospective candidates who are expected to appear in the interview, the LDARD shall seek the services of the sign language interpreter.
- 9.3.8 For the totally blind prospective candidate the panellist shall not engage in non-verbal gestures or whispers as this has the potential to affect the candidate.
- 9.3.9 The chairperson of the panel shall enquire as to the degree of lighting if the prospective candidate is partially sighted person.
- 9.3.10 Member of the disability forum (employee with disability), employment equity unit or disability focal point shall be given observer status within the selection panel to ensure that unfair discrimination is not practised against people with disabilities.

9.4 MAINSTREAMING OF DISABILITY INTO DEPARTMENTAL PROGRAMMES

- 9.4.1 Each Programme Manager shall develop the mainstreaming strategy towards disability.
- 9.4.2 The LDARD shall put into place measures required to prioritize the interest of persons with disabilities.

9.5 PRINCIPLES

This policy is underpinned by the following principles:

- 9.5.1 Self-Representation - to ensure the involvement of persons with disabilities

- and their interest to attain the successful implementation of this Policy guideline.
- 9.5.2 Inherent Dignity - to ensure promotion and protection of the inherent dignity and human rights of persons with disabilities.
 - 9.5.3 Enabling Environment responding to the needs of persons with disabilities that seeks to facilitate the progressive realisation of access to services and infrastructure by persons with disabilities.
 - 9.5.4 Recognition of Diversity - to recognise and respond to the special needs of persons with disabilities in diversity.
 - 9.5.5 Batho Pele Principles: to be implemented in accordance with Service Delivery Standards.
 - 9.5.6 Focus on all levels of Employment.
 - 9.5.7 Equality and non-discrimination.
 - 9.5.8 Healthy integration and embracing change.
 - 9.5.10 Full and effective participation and inclusion in society.
 - 9.5.11 Embracing human dignity, autonomy, development and empowerment.
 - 9.5.12 Moving towards a barrier free department.

9.6 ROLES, RESPONSIBILITIES AND POWERS

The various roles and responsibilities (including the powers) are as follows:

AUTHORITY	POLICY AGENDA	FORMULATION AND DRAFTING OF A POLICY	POLICY APPROVAL	POLICY IMPLEMENTATION	MONITORING AND EVALUATION
MEC	Contributes to policy agenda, approves development new and reviewed policies	Contributes to policy agenda, approves devilment of new policies	Approves all policies applicable to LDARD	Oversees policy relationship of policy implementation with electoral mandates	Approves amendment of policy resulting from new review
HOD	Contributes to policy agenda, can approve development of a new policies in line with powers conferred by the law or delegation	Recommends approval of draft policy to the Hon MEC on advice of Executive Management	Can approve policies relevant to LDARD in line with powers conferred by law or delegation	Oversees implementation of policies	Can approve amendments to policies relevant to LDARD in line with powers conferred by law or delegation

Executive management	Inputs into policy agenda	Recommend the draft policy before submission to HOD and Hon MEC	None	Implement policy within area of responsibility	Monitor and evaluate implementation of the policies at a strategic level
EW& SP	Inputs into policy agenda	Develop policy and is the engine room for change	None	Ensure that employees are informed about the policy applicable to LDARD	Provide support to line managers

9.7 POLICY IMPLEMENTATION CONSIDERATIONS

The following matters are relevant:

- 9.7.1 Each Programme Manager in all divisions shall develop the mainstreaming strategy to mainstream disability within the business unit in consultation with persons with disabilities.
- 9.7.2 The LDARD shall put into place special measures that will prioritise the interest of persons with disabilities.

9.8 MONITORING, EVALUATION AND REPORTING

This matter will be taken care of as follows:

- 9.8.1 The monitoring and evaluation process will be linked to the operational and Strategic plans of each sub branches in the LDARD.
- 9.8.2 The business units will use this Policy Guideline to formulate disability objectives and indicators that will be monitored and evaluated in line with procedures and practice already in place within the LDARD.
- 9.8.3 The Department will align its monitoring and evaluation systems to the government-wide Monitoring and Evaluation Framework and other interventions and introduce disability specific indicators in its reporting formats.
- 9.8.4 Disability specific indicators will be developed by each business unit and be monitored on a quarterly basis. This will inform equity compliance and reporting requirements.
- 9.8.5 The responsible division shall compile monthly and quarterly reports signed by the HOD before forwarding it to the Office of the Premier as per compliance requirement.

9.9 INSTITUTIONAL ARRANGEMENTS/DELEGATIONS

The LDARD has established Disability Forums in all the districts in the province including the one based at the head office, a Provincial Forum is also in place which is coordinated by Special Programmes unit within the LDARD.

9.9.1 The HOD is the Accounting Officer and custodian of mainstreaming disability in the LDARD.

9.9.2 The General Managers/Senior Managers are also obliged in support of the HOD to ensure that disability matters are taken into consideration.

9.9.3 Officials implementing this policy are required to comply with the latest delegation framework and identify appropriate delegations applicable to this policy, which may be subject to change from time to time.

10. DEFAULT

Non-compliance and deviations from this policy is not acceptable. Any request for deviation to this policy will be made in writing and approved by the Accounting Officer.

11. INCEPTION DATE

The inception date will be the date of approval (as indicated on the cover page of this document).

12. TERMINATION & REVIEW CONDITIONS

This Policy will be reviewed every three years (3) or as and when a need arise. Should the Policy still be in the review process by the time it lapses, an extension period is applicable and the approved Policy remain valid until the reviewed version is approved.

13. ENQUIRIES AND REPORTING

Enquiries regarding this policy on the Rights of Persons with Disabilities can be directed to: The Director: Employee Wellness and Special Programmes, Limpopo Department of Agriculture and Rural Development, Private Bag X9487, Polokwane, 0700. Tel: 015 294 3000

Employee Wellness and Special Programmes is responsible for the timeous review, circulation, advocacy, and availability and feed-back regarding this Policy document. Employee Wellness and Special Programmes is also responsible for reporting towards oversight bodies in the event of enquiries with regards to this Policy document.

Recommended:



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(Head of Department: Maisela, RJ)

2018-02-08
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Date

Approved:


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Member of Executive Council

Acting MEC Seaparo Sekoati (MPL)

2018/02/08
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Date