

# LIMPOPO

PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

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DEPARTMENT OF  
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

**DISABILITY MANAGEMENT POLICY**

**2024**

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## 1. ACRONYMS

<b>AIDS</b>	: Acquired Immuno Deficiency Syndrome
<b>DPO</b>	: Disabled People's Organisations
<b>DPSA</b>	: Department of Public Service and Administration
<b>HIV</b>	: Human Immuno Virus
<b>LGBTI</b>	: Lesbian, Gay, Bisexual, Transgender, and Intersex
<b>LEDET</b>	: Limpopo Department of Economic Development, Environment and Tourism
<b>MEC</b>	: Member of the Executive Council
<b>WPRPD</b>	: White Paper on the Rights of Persons with Disabilities

## 2. DEFINITIONS

In this policy, unless the context otherwise indicates:

**'accessibility'** with respect to both the physical environment, information and communications services refers to freedom of choice in entering, approaching, communicating with, or making use of a situation;

**'Assistive devices'** mean any device, product, equipment, or tool that is designed, or adapted to enable persons with disabilities to participate in activities, task or actions. They may include: (i) mobility aids such as wheelchairs, prostheses and crutches; (ii) Communication aids such as hearing aids, FM systems; (iii) Sensory aids such as white canes; noise reducing headphones and coloured lenses (iv) Technology aids such as computer for alternate and augmentative communication, screen readers, magnifiers, text in audio format;

**'braille'** means a system of writing for individuals with visual disabilities that uses letters, numbers and punctuation marks made up of raised dot patterns;;

**'communication'** includes spoken and sign languages; display of text; braille and tactile communication; large print; written; audio; accessible multimedia, plain language; human reader; augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

**'designated groups'** mean black people, women and people with disabilities;

**'disability mainstreaming'** means integration of persons with disabilities in a society which does not recognise and respond to special needs of disabled people in their diversity where measures are not put in place to remove barriers;

**'disability'** means the loss or elimination of opportunities to take part in the life of the community equitably with others that is encountered by persons having physical, sensory, psychological, developmental, learning, neurological, or other impairments, which may be permanent, temporary, or episodic in nature, thereby causing activity limitations and participation restriction with the mainstream society.

**'disclosure of disability'** means a voluntary notification by an employee to an employer that the employee has a disability. Disclosure is sometimes an issue for people who have a non-evident disability. These disabilities may range from a minor sensory impairment to epilepsy and diabetes, including cognitive disabilities such as dyslexia as well as psychiatric disabilities;

**'discrimination'** means any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly imposes burdens, obligations or disadvantages on; and/or withholds benefits, opportunities or advantages from any person on one or more of the prohibited grounds, which include disability and any other ground that might disadvantage a person, undermines human dignity or adversely affects an individual's rights and freedom;

**‘employee’** means all male and female persons who are appointed in terms of the Public Service Act, 1994 as amended within the Department of Economic Development, Environment and Tourism.

**‘gender mainstreaming’** is the process of identifying gender gaps and making the concerns and experiences of women, men, girls, boys and the Lesbians, Gays, Bi-sexuals and Transgender community integral to the design, implementation, monitoring and evaluation of policies and programmes in all sectors of life to ensure that they benefit equally;

**‘persons with disabilities’** mean people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment;

**‘reasonable accommodation’** means necessary and appropriate modification and adjustments, as well as assistive devices and technology, not imposing a situation, where needed in a particular case, to ensure persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

**‘universal access’** means the removal of cultural, physical, social and other barriers that prevent people with disabilities from entering, using or benefiting from the various systems of society that are available to other citizens and residents. The absence of accessibility or denial of access is the loss of opportunities to take part in the community on an equal basis with others; and

**‘universal design’** is the design of products, environments, programmes and services to be usable by all persons to the greatest extent possible without the need for adaptation or specialized design.

### **3. INTRODUCTION**

LEDET has the responsibility to ensure that people with disabilities can access the same fundamental rights and opportunities as any other employee. Through the development and implementation of this policy, LEDET wishes to express its unswerving commitment to the upliftment and improvement of the conditions of those members of its workforce who are disabled as well as members of the public with disabilities who access the facilities of LEDET. LEDET is committed to achieving equitable employment that will be fair to all people, especially those who have been most disadvantaged during the past years, and to ensure that no one discriminates against them.

### **4. BACKGROUND**

LEDET is mandated by Section 184 of the Constitution of the Republic of South Africa, 1996 to promote respect, human rights and culture of human rights, to promote the protection, development and attainment of human rights and to monitor and assess the observance of human rights within the Department. LEDET prohibits unfair discrimination based on disability and fosters equality for previously disadvantaged persons, including people with disability.

### **5. PURPOSE AND OBJECTIVES**

#### **5.1 PURPOSE**

The purpose of this policy is to promote a developmental and human rights approach to address the needs of people with disabilities.

#### **5.2 OBJECTIVES**

5.2.1 To develop strategies that will provide people with disabilities access to equal opportunities and information.

5.2.2 To narrow the unemployment gap between non-disabled and disabled job seekers.

5.2.3. To create an enabling environment that will ensure access and benefits for persons with disabilities to economic opportunities created by LEDET such as education, training, and career advancement.

5.2.4 To facilitate transformation shifts within LEDET and society regarding disability issues.

5.2.5 To mainstream disability into current departmental programmes.

## **6. AUTHORITY OF THE POLICY**

This policy is issued under the authority of the Head of Department as the Accounting Officer for LEDET.

## **7. SCOPE OF APPLICATION**

This policy is applicable to all employees of LEDET, including those in the Learnership and Internship programmes.

## **8. PRINCIPLES**

The Disability Management Policy is underpinned by the following principles:

8.1 Respecting the dignity and worth of persons with disability.

8.2 Responding to diversity in human abilities and in other characteristics.

8.3 Promoting social inclusion and participation.

## **9. LEGAL FRAMEWORK**

9.1 The Constitution of the Republic of South Africa, 1996 as amended

9.2 Labour Relations Act, 1995 as amended

9.3 Employment Equity Act, 1998 as amended

9.4 Skills Development Amendment Act, 1998 as amended

9.5 Public Service Act, 1994 as amended

9.6 Basic Conditions of Employment Act, 1997 as amended

- 9.7 Occupational Health and Safety Act, 1997 as amended
- 9.8 Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
- 9.9 The Promotion of Access to Information Act, 2000 as amended
- 9.10 Protection of Personal Information Act, 2013
- 9.11 Eliminating Violence and Harassment in the World of Work: ILO Convention No.190, 2019
- 9.12 International Labour Organisations' Conventions (ILO)
- 9.13 United Nations Convention on the Rights of People with Disabilities, 2008
- 9.14 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979
- 9.15 The Beijing Declaration and its Platform for Action, 1995
- 9.16 United Nations Sustainable Development Goals (SDGs), 2015
- 9.17 Public Service Coordinating Bargaining Council Resolution No. 01 of 2003: Disciplinary Code and Procedures for the Public Service
- 9.18 Public Service Coordinating Bargaining Council, Resolution No. 14 of 2002: Grievance Rules for the Public Service
- 9.19 Code of Good Practice on the Employment of People with Disabilities, 2002
- 9.20 Explanatory Manual on the Code of Conduct for the Public Service, 2002
- 9.21 White Paper on the Rights of Persons with Disabilities, 2015
- 9.22 Policy on reasonable accommodation and assistive devices for employees with disabilities in the Public Service, 2014
- 9.23 Determination on reasonable accommodation and assistive devices for employees with disabilities in the Public Service, 2015
- 9.24 Determination on Leave of Absence in the Public Service, 2008

## **10. POLICY PRONOUNCEMENTS**

The Disability Management Policy within LEDET shall be guided by the following aspects:

### **10.1. Universal access and design**

- (a) People with disabilities shall have equal access to the physical built environment and to other facilities and services provided for in all LEDET workstations.



- (b) LEDET shall ensure that all national minimum norms and standards of accessibility for people with disabilities are implemented and enforced.
- (c) LEDET shall ensure barrier-free and universal access to services and information to enable people with disabilities to live independently and participate fully in LEDET activities.

## **10.2. Accessibility**

- (a) People with disabilities shall have access to all comprehensive rehabilitation programmes and LEDET shall put workplace measures in place to ensure reasonable accommodation of the needs of people with disabilities.
- (b) LEDET shall take steps such as providing assistive devices and resources to reduce the impact of the impairment on the person's capacity to fulfil the essential functions of a job as provided for in the National Policy on reasonable accommodation and assistive devices for employees with disabilities in the Public Service.
- (c) LEDET shall ensure that the public, especially people with disabilities have access to the departmental relevant information (e.g. documents and services) in braille format large print and sign language services.

## **10.3. Service delivery budgeting for people with disabilities**

- (a) LEDET shall provide adequate resources to be used for reasonable accommodation and other disability rights initiatives in line with relevant financial policies and legislation.
- (b) LEDET shall ensure that thorough research is conducted for the needs of people with disabilities and that costing of reasonable accommodation measures is done according to:
  - i) individual needs of the employee with a disability.
  - ii) existing physical, attitudinal and communication barriers in the working environment; and

- iii) inherent job requirements of the post and price fluctuations, especially in a non-competitive environment where procurement of a large number of devices are subject to sole providers.
- (c) LEDET shall ensure sound financial management for capital projects developed to address the needs of people with disabilities.

#### **10.4. Disease management, HIV and AIDS**

- (a) There should be appropriate representation of persons with disabilities on all HIV and AIDS related programmes within LEDET.
- (b) Employees with disabilities, including those who become disabled through different diseases and/or HIV shall be included in the departmental reasonable accommodation plan and the departmental Special Leave Policy.
- (c) People with disabilities shall have equal access to information in accessible modes and formats about HIV and AIDS and other diseases including reproductive health and those who acquired a disability through HIV and AIDS and other diseases shall benefit equally from disability related benefits.

#### **10.5. Freedom from exploitation, violence and abuse**

- (a) Special programmes unit shall put in place a disability awareness programme which highlights measures protecting people with disabilities from all forms of exploitation, violence, discrimination, and abuse.
- (b) LEDET shall ensure that the environment is fully accommodating to people with disabilities for the reporting and management of reported cases of exploitation, violence, discrimination and abuse.

#### **10.6. Economic empowerment through entrepreneurship**

LEDET shall take steps to enhance the entrepreneurship and self-employment amongst people with disabilities by:

- (a) ensuring that people with disabilities receive preferential treatment in the procurement of goods and services within LEDET in line with the Procurement Legal Framework.
- (b) providing developmental support for small micro medium enterprises owned by people with disabilities.
- (c) facilitating access and technical assistance to people with disabilities in their business entities, including norms and standards guiding investment and tourism promotion in the province.
- (d) the departmental procurement practices will recognise the special needs of persons with disabilities in their diversity during its planning and budget allocations within the supply chain management systems and processes such as location of the tender box, tender documents, score sheets, composition of the bid committee and access to collection and drop-off points.

## **10.7 Training and skills development**

LEDET shall prioritise people with disabilities in skills development initiatives by undertaking the following steps:

- (a) Providing life-long learning opportunities for people with disabilities beyond formal schooling according to their talents and different abilities by giving them preferential treatment in line with the Skills Development Act, 2003 as amended.
- (b) LEDET shall ensure that all people with disabilities have career plans and can access opportunities for upward career progression on an equal basis with able-bodied employees.
- (c) Discrimination in the training and development of people with disabilities shall be prohibited and increased access will be given to them to improve their skills and competence in the workplace to ensure job satisfaction.
- (d) Targets for training and development for employees with disabilities shall be formally included in the departmental Workplace Skills Plan, Employment Equity Plan and Human Resource Plan.

## **10.8. Access to decent work and employment opportunities**

### **10.8.1 Recruitment and selection of people with disabilities**

- (a) Special programmes unit shall have an information sharing session with panel members on the information relating to recruiting people with disabilities before the shortlisting and interviews to ensure that people with disabilities are not discriminated during the process.
- (b) Recruitment and selection shall be done in accordance with the departmental Recruitment and Selection Policy and the Employment Equity Plan.

### **10.8.2 Employment Equity Target**

- (a) LEDET shall meet 2% current target and 7% by 2030 of their workforce consisting of people with disabilities as set out in the WPRPD.
- (b) LEDET3 shall commit to the adherence of their Employment Equity Plan and develop their implementation strategy to be used to meet the target. These plans and strategies shall comply with and use all aspects of the Employment Equity Act and its Code of Good Practice on the employment of people with disabilities as stipulated in the Technical Assistance Guidelines on the Employment of People with Disabilities and the White paper on the Rights of Persons with disabilities.
- (c) Each directorate shall consult special programmes to obtain assistance on the implementation of their Employment Equity Plan and the White Paper implementation matrix.

### **10.8.3 Leave Management**

Employees with disabilities have a right to take leave in accordance with the Provincial Special Leave Policy and considering their condition.

#### **10.8.4 Confidentiality**

Employees with disabilities have the right to confidentiality and privacy concerning their disability status. The employer, supervisors, Special Programme and Human Resource Practitioners are obliged to protect the confidentiality of information that has been disclosed. Confidential records relating to the disability of applicants must be kept away from general personnel records. Information regarding the disability status of an employee should not be disclosed without an employee's written consent.

#### **10.8.5 Disclosure of disability**

People with Disabilities are entitled to keep their disability status confidential, but if the employer is not aware of the disability or the need to be accommodated, the employer is not obliged to provide it. If on reasonable grounds, the employer does not believe that the employee is disabled, the employer is entitled to request the employee to be tested to determine the employee's ability or disability at the expense of the employer.

#### **10.8.6 Employee benefits**

All employees shall be educated regarding the advantages of disclosing their disability status and their rights to reasonable accommodation.

### **11. ROLES AND RESPONSIBILITIES**

#### **11.1 LEDET employees**

All LEDET employees shall accommodate people with disabilities in line with the directives of this policy.

#### **11.2 Employee Assistance Programme Unit**

The role of the Employee Assistance Programme Unit is to provide a support structure to persons with disability.

#### **11.3 Special programmes unit**

**The Special programme unit has the following responsibilities:**

- (a) To conduct disability awareness to all employees of LEDET through activities such as workshops and information sharing sessions and electronic medium (email, intranet and printed material).
- (b) To monitor and evaluate the implementation of the Employment Equity Plan as required by the Employment Equity Act to improve the employment of people with disabilities and encourage employees to disclose their disability status.
- (c) To ensure that all departmental services are accessible to people with disabilities and DPO's through gender and disability mainstreaming exercise across the Department.
- (d) To report progress in line with the JobACCESS and the Gender Equality Strategic Frameworks to DPSA in line with reporting period/s.

#### **11.4 Employee Relations Unit**

The Employee Relations Unit shall ensure fair treatment when dealing with people with disabilities by informing both parties of their rights and ensuring that a fair and just process is followed in dealing with the complaints without compromising the urgency and confidentiality it deserves.

#### **11.5 LEDET Management**

- (a) LEDET management is responsible for implementation of this policy in their programmes, budgets, and day-to-day operations through continuous consultation with Special Programmes unit to ensure disaggregation of data.
- (b) Management shall ensure that the recruitment and selection processes comply with the Employment Equity Plan of LEDET.

#### **11.6 Director: Transformation**

Director : Transformation has the following responsibilities:

- (a) To promote the Disability Management Policy and ensures compliance thereof.
- (b) To ensure that Disability Awareness Programmes and events targeting people with disabilities are held within LEDET, including the commemoration of International Disability Day.

- (c) Ensures meaningful reporting of Persons with disabilities targets to the Office of Premier.
- (d) Maintains files of all progress reports and resources of the institutional memory of LEDET in implementing disability rights.
- (e) Advocates the removal of discrimination and lack of opportunities for employees with disabilities within LEDET and represent the Department in the Limpopo Disability Forum.

### **11.7 HEAD OF DEPARTMENT**

The Head of Department is responsible for the integration of effective and equitable delivery of both the core and support services to people with disabilities within LEDET. The Head of Department shall ensure the following:

- (a) Provision of financial, human and material resources to gender and disability related targets and programmes.
- (b) Integration of in-depth and verified disability disaggregated information is integrated into institutional knowledge management systems to ensure compliance with reporting requirements.
- (c) JobACCESS Strategic Frameworks and the WPRPD implementation matrix redress the effects of discrimination and eliminate unfair discrimination in the employment.
- (d) Disability forum is in place to promote self-representation of persons with disabilities in line with the WRPD
- (e) Meetings with persons with disability is scheduled on annual basis to track progress and challenges facing persons with disabilities at the workplace. The meeting should be chaired by the HOD.

### **11.8 MONITORING OF EMPLOYMENT EQUITY TARGETS**

Special Programmes Unit will be responsible for monitoring of employment equity targets on a quarterly basis to ensure employment equity compliance within the Department.

## **12. DEFAULT**

An employee who fails to comply with the provisions of this policy will be dealt with in terms of the Public Service Disciplinary Code and Procedures for the Public Service.

## **13. INCEPTION DATE**

The inception date of this policy is 30 (thirty) days after approval by the Head of Department.

## **14. POLICY REVIEW**

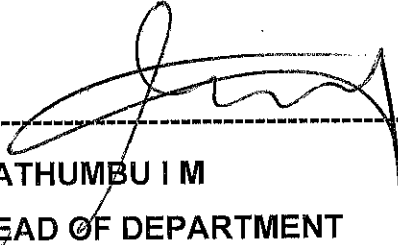
This policy shall be reviewed every thirty-six (36) months after the date of approval.

## **15. ENQUIRIES**

Enquiries regarding this policy should be directed to the Director: Strategic Management

## **16. APPROVAL**

**APPROVED BY:**

  
\_\_\_\_\_  
**RATHUMBU I M**  
**HEAD OF DEPARTMENT**

28/03/2024

**DATE**