

DISABILITY POLICY

TT-FOA-03

Standard Operating Policy – Finance,
Operations & Administration

Effective Date 24 August 2021

1. DOCUMENT CONTROL

1.1. Document Information

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Author Signature: *kgulu* Date: 15/09/2021

Author signature confirms the contents of this document.

1.2. Approvals

The signatures below confirm that the reviewers agree with the content of the document and that this document is approved for implementation within Tshiamiso Trust.

Name	Position	Signature	Date
Dr May Hermanus	Chairman of the Board		
Kgomotso Molebatsi	Chairperson: HR, Remuneration and Governance Committee		
Daniel Kotton	Chief Executive Officer	<i>Daniel Kotton</i>	05/10/2021

This document is effective from the date of the last approval signature.

1.3. Change Record

Date	Effective Date	Author	Version	Change Reference

1.4. Document Location

The fully executed document is held by: The Trust.
When printed this document is uncontrolled.

2. POLICY SCOPE

2.1. Purpose of the Policy

The purpose of the policy is to ensure that:

- Applications for employment are assessed on the basis of objective and relevant criteria that do not discriminate against people with disabilities.
- Reasonable adjustments are offered to candidates with disabilities, where appropriate, during the selection process.
- The views of employees with disabilities are considered, and their concerns for confidentiality are respected.
- Reasonable adjustments are offered to employees with disabilities to enable them to undertake their work effectively.
- Existing employees who become disabled during their time at work are enabled to continue in employment where this is practicable and in line with the Incapacity Policy. Employees working with employees with disabilities have appropriate information, support and training on how to interact and engage with their disabled colleagues

2.2. Objectives of the Policy

The Trust is committed to giving equal opportunities for disabled people and aims to create an environment which enables them to work effectively as part of the Trust and its Stakeholders.

“Disabled” means people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment. As defined in the Employment Equity Act, no 55 of 1998 (EEA)

Disabilities can be divided into two categories, i.e., temporary, and permanent disability, and is defined as follows:

- A **temporary** disability can be defined as a curable impairment of mental or physical faculties that may impede the affected person from functioning normally only so far as he or she is under treatment.
- A **permanent** disability can be defined as an impairment of mental or physical faculties that may last for an indeterminable period, thus indefinitely preventing the affected person from functioning normally.

3. POLICY GOVERNANCE

3.1. Policy Review

The Policy will be reviewed in the year 2023 on considering any changes in legislation and the Trust's operational requirements.

3.2. Ownership of Policy

Ownership of the Policy will be vested in the Human Resources scope of accountability.

3.3. Approval of Policy

The Policy and any amendments from time to time must be approved by Chief Executive Officer and approval by the Board.

3.4. Legal Context

This Policy is informed by the:

- The Constitution of the Republic of South Africa, 1996
- The Employment Equity Act, 1998, as amended
- The Labour Relations Act, 1995, as amended
- The Code of Good Practice, Schedule 8 of the Labour Relations Act
- Commission for Conciliation, Mediation and Arbitration ("CCMA")
- The Basic Conditions of Employment Act, 1997, as amended

4. POLICY STATEMENT

The Trust's Disability Policy aims to ensure a positive culture to increase the employment of people with disabilities and ensure that the Trust's workplace is inclusive of the skills and talents of people with disability in accordance with the requirements of the Employment Equity Act.

5. DISABILITY POLICY

5.1. General Principles

In The Trust endeavour to adhere with EEA standards which protect all individuals deemed as part of 'designated groups' the following principles must be observed, as well creating an awareness surrounding the current issues concerning disability. A disability audit is to be conducted on a regular basis to assess this. There is also a need to set targets for hiring of persons with disabilities in line with the EEA and documented in The Trust's Employment Equity plan.

5.2. Recruitment and Selection

Procedures for recruitment and selection are the same as stipulated in the Trust's Recruitment Policy. The Trust does not interview for disability, but for skill.

All candidates will be assessed on their abilities, qualifications, and experience according to objective criteria developed for the post. However, there can be instances where preferences are given to persons with disabilities to allow the Trust to achieve its targets for people with disabilities. It may be that a "reasonable adjustment" would be required to allow a disabled candidate to meet the criteria, but it should be assumed, in deciding whether the individual meets the criteria, that the appropriate adjustment had been made. Most arrangements to accommodate disabled employees can be made within existing resource constraints or at minimal cost.

5.3. Reasonable accommodation

Reasonable accommodation, as defined by the Technical Assistance Guidelines on the Employment of People with Disabilities, states that all employers should reasonably accommodate the needs of individuals with disabilities.

According to the Code of Good Practice, the Trust "is obliged to provide reasonable accommodation when an applicant or employee voluntarily discloses a disability, a related reasonable accommodation need or when such a need is reasonably self-evident to the employer.

The purpose of reasonable accommodation is to enable the new employee to perform their job functions as efficiently as possible. Examples of reasonable accommodation include:

- Adapting existing facilities to make them accessible.
- Altering existing equipment including computer programmes.
- Adjusting work schedules.

There are 3 main points to consider regarding reasonable accommodation, these are:

- Accommodation must remove any possible barriers that may hinder a person from performing the job.
- It should give the person with disability equal opportunities for growth and promotion as well as the same benefits that other employees receive.
- The Trust will adopt the most cost-effective means to fulfil the above two conditions.

The Trust will only avoid implementing reasonable accommodation if it would cause an undue hardship for the business in terms of expenses or difficulty.

5.4. Staff Sensitivity Training

The Trust undertakes to provide current staff with an information session to sensitive the members of staff that will be dealing directly with the disabled employee. Some members of staff include the management and human resources.

5.5. Assessment of workplace

The Trust undertakes to conduct a full audit following policies and practices to ensure that there are no barriers (directly or indirectly) that may discriminate against persons with disability, once every two years:

- Employment Equity
- Employee Records
- Recruitment and Selection
- Job Analysis and Design
- Organisational Support
- Management Attitude
- Employee Retention
- Building Structure

5.6. Procedure for workplace disability of current employees

When an employee becomes disabled, the following procedures should be applied:

- Losing the services of a member of staff who becomes disabled can deprive the Trust of an asset regarding the skills and experience, The Trust will attempt to retain employees who become disabled while at work and to ensure suitable employment for them.
- Should an investigation in terms of the Incapacity policy find that the disability occurred because of the work, the employee will be registered with the Compensation for Occupation Injuries and Diseases. Act (COIDA) of 1997; that provides compensation to people with disabilities resulting from injuries or diseases that occurred on the job.
- The same procedure will apply in relation to a disabled member of staff whose condition changes in ways which affect their ability to continue in their role or where a change to an individual's role makes it difficult for the employee to continue in that role because of their disability.
- Provisions of the Incapacity Policy containing a detailed procedure should be invoked.