A STRATEGY FOR THE
EMPLOYMENT OF PERSONS WITH DISABILITIES

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SUMMARY

South Africa was actively involved in negotiations of the International Convention on the Rights of Persons with Disabilities and its Optional Article and signed both treaties on the day that they were opened for signature on 30 March 2007. Ratification of these treaties introduces a binding commitment on the government to implement its determinations. The Convention and, by implication, South Africa as a signatory recognise the right of persons with disabilities to work on an equal level with others.

The Employment Equity Act, 1998, which has been in force for 12 years with limited success, determines that persons with disabilities are a designated group to be affirmed in the workplace. The problem is that even with the protection provided by the Act the trends in employment of persons with disabilities in South Africa indicate that fewer persons with disabilities are employed while the employment of the other designated groups is improving. This can be ascribed to real and perceived constraints that unemployed persons with disabilities experience in South Africa. Therefore, in view of the signing of the Convention by South Africa, a national generic human resource management strategy is required for the enhancement of the employment of persons with disabilities in organisations.

The main objective of this research was to identify the constraints to the employment of persons with disabilities, and to develop an integrated human resource management strategy to enhance the employment of more persons with disabilities in South African organisations. The development of this strategy was based on the constraints experienced by persons with disabilities in finding employment.

The quantitative research design was applied when a purposive sample of eighty-four (84) knowledgeable persons in this field (persons with disabilities, managers and human resource management and labour relations practitioners with experience in appointing persons with disabilities) were surveyed with a semi-structured Likert-type questionnaire to determine the constraints. The questionnaire was specifically constructed for this purpose adding breadth to the research. The questionnaire also included a number of open-ended questions to add the required depth to the data.

Descriptive and inferential statistical methods were used to analyse the participants' quantified scores. The qualitative method of Content Analysis (ATLAS.ti) was applied to further identify categories and subcategories of constraints. From the results, the most significant constraints that inhibit the employment of persons with disabilities were identified. These constraints are as follows:

- The definition of "people/ persons with disabilities" for employment purposes is a constraint because it is vague and words used in the definition are unclear.
- Accessibility and reasonable accommodation are serious constraints for persons with disabilities as it prevents them from participating on a more equal footing in the workplace.
- Disability is viewed in terms of function and social labelling rather than in terms of its relationship to the quality of life of persons with disabilities.
- The Constitution, 1996, EEA, INDS and TAG are not sufficiently useful to manage disability in the workplace.
- The South African legislative and policy framework were hardly ever used to assist with disability management.
- Reasonable accommodation and environmental accessibility are not clearly described in policy guidelines.
- Organisations lack focus on the employment of persons with disabilities.
- Unfair targets to employ persons with disabilities as they are continuously disabled.
- Respondents identified the following general perceptions as constraints:
  - Employees with disabilities are not able to do physically strenuous work.
  - Employees with disabilities require special attention from their supervisors.
  - Employees with disabilities are more expensive to employ than any other employee.
  - Employers are not willing to employ persons with disabilities.
  - Workplaces are not friendly towards disabled persons.
  - A CV indicating that a job applicant is disabled is not properly considered by organisations.
  - Organisations ignore disability management issues because it conflicts with business objectives.

- o Organisations encourage managers to ignore disability issues because it conflicts with business objectives.
- ➢ Organisations do not have approved and clear written policies or guidelines on employing persons with disabilities.
- ➢ Existing policy or written guidelines are not utilised to guide disability management related decisions at work.
- ➢ Organisations do not have a disability office or a disability ombudsman to whom employees can report suspected discrimination or receive advice about disability issues.
- ➢ HR departments do not act as the primary resource for the disability initiative of organisations.
- ➢ HR professionals are not involved in formulating disability management policies for their organisations.
- ➢ Individuals responsible for managing the disability programme in organisations are not qualified and experienced for the task.
- ➢ Employees do not know who to contact when requiring information on disability management.
- ➢ The following key people in organisations are not sufficiently committed to disability management:
- o CEO/Director-General/Top Management.
- o Senior management.
- o Middle management.
- o Subordinates.
- o Peers.
- o Other employees.
- ➢ Lack of a focused strategy to recruit persons with disabilities.
- ➢ Training and development practices are not effectively presented to all employees resulting in it being a constraint due to the following:
- o Lack of awareness of disability management.
- o Training provided in disability management is not being used by the persons trained.
- o Persons with disabilities are not empowered to assert their rights in terms of disability management.
- o Work environments do not prioritise disability management.

o   Disability management is not linked to the performance indicators of all managers at all levels.

➢   Performance management practice is inadequate in respect of persons with disabilities resulting in it being a constraint due to the following:

o   Effective performance management systems are not in place.

o   Performance management systems do not apply to all employees.

o   Difficulties experienced by persons with disabilities are not understood by employers.

o   Managers are not trained in managing the performance of persons with disabilities.

o   Accessibility and reasonable accommodation impact on the performance of persons with disabilities.

o   Clarity does not exist whether the same or different performance standards must apply to persons with disabilities.

o   Assessments are not conducted objectively by managers.

➢   Recruitment and selection practices are inadequate and not strategically aligned resulting in it being a constraint due to the following:

o   Adverts are not accessible to persons with disabilities.

o   Adverts do not target persons with disabilities.

o   Selection processes are not seen as a credible by persons with disabilities.

o   Persons with disabilities are not being reasonably accommodated during the selection process.

o   Job design is not considering persons with disabilities adequately to provide for their unique circumstances.

o   Managers and supervisors do not understand disability resulting in deciding not to employ persons with disabilities due to negative perceptions they may have of persons with disabilities.

➢   Retention and exit management strategies are not utilised in disability management resulting in it being a constraint due to the following:

o   Inconsistent treatment of employees with disabilities and not disabled employees.

o   Reasonable accommodation and rehabilitation of employees who become disabled are not effectively dealt with.

- The reasons why employees leave employment are known but little is done to correct it, resulting in persons with disabilities not being retained.

- Employment equity strategies are not aligned resulting in persons with disabilities not being affirmed.

➢ Labour relations management strategy is inadequate resulting in it being a constraint due to the following:

- Human resource management and labour relations practitioners and union officials do not prioritise disability management and the rights of persons with disabilities.

- The rights and the unique circumstances of persons with disabilities are not recognised resulting in the labour relations processes not providing for persons with disabilities.

➢ Lack of strategic focus of employers on disability management constrains the employment of persons with disabilities.

➢ The role of human resource management and labour relations practitioners is not clearly defined in terms of disability management resulting in them not prioritising persons with disabilities as a designated group in terms of the EEA.

➢ Reasonable accommodation is not clearly defined in the employment context resulting in it being a constraint due to the following:

- Persons with disabilities are not being reasonably accommodated because employers do not have policy documents in place to guide them in making decisions in providing reasonable accommodation to employees.

- The perception which exists that reasonable accommodation is costly and would result in undue hardship to employers, is a constraint.

- Office buildings are generally not disability friendly resulting in a constraint to employ persons with disabilities and those that are employed, not being able to work effectively.

- Inherent job requirements are generally not defined resulting in persons with disabilities not being employed or being employed in positions not suitable to their specific disabilities.

➢ Progress with the implementation of disability management programmes are not being monitored resulting in slow progress with implementation and a lack of strategic focus.

Following the identification of the constraints an integrated strategy to manage these constraints was developed. The strategy consists of the following strategic interventions:

➢ Reword the definition of persons with disabilities to achieve clarity of terms, identification of categories and levels of disability.

➢ Develop guidelines to the accessibility requirements and reasonable accommodation for persons with disabilities namely:

o Development of organisational guidelines for reasonable accommodation; and

o implementation of the NBR by employers.

➢ Initiate workplace programmes which cause disability to be viewed in terms of the quality of the life of a person with disabilities.

➢ Create awareness of the legislative and policy framework.

➢ Enforcement of the implementation of the legislative and policy frameworks by top management.

➢ Develop a human resource management framework to employ persons with disabilities.

➢ Set fair and equitable employment targets for persons with disabilities.

➢ Develop a business case for employing persons with disabilities.

➢ Establish a disability office or a disability ombudsman, preferably within the human resources function.

➢ Develop a focussed recruitment and selection strategy to strategically align the recruitment and selection process with the objectives of disability management.

➢ Develop a focused training and development strategy to empower employers and employees (including those with disabilities) to manage disability effectively in the employment context.

➢ Develop a focused performance management strategy which strategically aligns performance management with disability management.

➢ Develop focussed retention and exit management strategies to strategically align retention and exit management with the objectives of disability management.

- ➢ Develop a focussed labour relations management strategy to align labour relations management practice with the demands of disability management.
- ➢ Develop a scorecard to encourage compliance with disability management.
- ➢ Develop a clear role definition for human resource management and labour relations practitioners.
- ➢ Develop a focussed reasonable accommodation policy that would address the identified constraints.
- ➢ Develop and implement a focussed monitoring and evaluation framework for disability management.

The generic strategy developed in this research provides direction to human resource management and labour relations practitioners and managers to create a culture of disability awareness in organisations. It will also increase the understanding of disability and the management thereof in the workplace and provide a step by step guideline in respect of the main human resource management and labour relations practices and the manner in which it relates to the employment of persons with disabilities.

The research extends the existing body of knowledge with regard to employees with disabilities in the labour relations and human resource management fields of research. The economic and social utility value of the generic human resource management strategy will also enable organisations to increase the employment of persons with disabilities as a strategic human resource management intervention.

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ACRONYMS

ADA	Americans with Disabilities Act, 1990 of the USA
AIDS	Acquired Immune Deficiency Syndrome
AMHCW	Alaska Mental Health Consumer Web
BBBEE	Broad Based Black Economic Empowerment
BCEA	Basic Conditions of Employment Act, 75 of 1997
CART	Computer Assisted Real Time
CCMA	Commission for Conciliation, Mediation and Arbitration
CHPI	The Child Health Policy Institute
COIDA	Compensation for Occupational Injuries and Diseases Act, 130 of 1993
Constitution, 1996	The Constitution of the Republic of South Africa, 108 of 1996
DDA	Disability Discrimination Act, 1995 of the UK
Disability Code	Disability Code issued in terms of the Disability Discrimination Act, 1995 of the UK
DLA	Department of Land Affairs
DPI	Disability Peoples' International
DPO	Disabled Peoples' Organisation
DPSA	Disabled People South Africa
DRC	Disability Rights Commission in terms of the DDA
EEA	Employment Equity Act, 55 of 1998
EEO	Equal Employment Opportunity referred to in terms of the ADA
EEOC	Equal Employment Opportunity Commission referred to in terms of the ADA
EU	European Union
HIV	Human Immune Deficiency Virus
HR	Human Resource (Management)
ICD	International Classification of Diseases
ICF	International Classification Framework
ICIDH	International Classification of Impairment, Disability and Handicap, 2001

ICRPD	UN International Convention on the Rights of Persons with Disabilities and its Optional Protocol
ILO	International Labour Organisation
INDS	White Paper on an Integrated National Disability Strategy, 1997
LRA	Labour Relations Act, 66 of 1995
NBR	National Building Regulations and Building Standards Act, 103 of 1997 and the National Building Regulations issued in terms of this Act.
NGO	Non-governmental organisation
OSDP	Office on the Status of Persons with Disabilities
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000
RDP	Reconstruction and Development Programme
SABS	South African Bureau of Standards
SAFCD	South African Federal Council on Disability
SAHRC	South African Human Rights Commission
SMME	Small, medium and micro-sized enterprises
TAG	Technical Assistance Guidelines
UK	United Kingdom
UN	United Nations
USA	United States of America
WHO	World Health Organisation