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ARTICLE INFO	Brian Kwazi Majola and Rubby Dhunpath (2016). The development of disability-related employment policies in the South African public service. <i>Problems and Perspectives in Management</i> , 14(1-1), 150-159. doi: 10.21511/ppm.14(1-1).2016.02
DOI	<a href="http://dx.doi.org/10.21511/ppm.14(1-1).2016.02">http://dx.doi.org/10.21511/ppm.14(1-1).2016.02</a>
RELEASED ON	Monday, 11 April 2016
JOURNAL	"Problems and Perspectives in Management"
FOUNDER	LLC "Consulting Publishing Company "Business Perspectives"



NUMBER OF REFERENCES

0



NUMBER OF FIGURES

0



NUMBER OF TABLES

0

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## The development of disability-related employment policies in the South African public service

### Abstract

Worldwide, the employment of people with disabilities has been challenged by the slow development of 'workplace specific' disability employment policies. The focus has been on formulating legislation to overcome barriers and the implementation of national disability policies without ensuring that workplaces formulate such policies. While laws regarding disability have been on the statute books for two decades in South Africa, little is known about how effective they have been and their impact in the workplace. This article examines whether South African government departments have developed or reviewed employment policies for the benefit of people with disabilities, and determines whether policy makers were aware of the existence of the Disability Code (Republic of South Africa, 2002) and the Technical Assistance Manual (Republic of South Africa, 2005) when the policies were developed or reviewed. Human Resource Managers from 16 government departments in KwaZulu-Natal Province were interviewed. It was found that although HR policies were in place and some were being developed, very little has been done in terms of reviewing and/or developing disability employment policies. Furthermore, the existing prescripts were not extensively used as a resource during the development of disability-related employment policies. This has negatively affected the employment of people with disabilities in the public service. It is hoped that the results will assist management, HR practitioners as policy makers, and line managers to develop disability employment policies in order to attract and retain people with disabilities. The research also contributes to the existing body of literature on disability.

**Keywords:** people with disabilities, employment policies, public service, development of policies, disability code, employment equity.

**JEL Classification:** J78.

### Introduction

Throughout the world, people with disabilities have been marginalized due to their reliance on social grants, and being labelled as people who are unemployable or not willing to work. In the USA, the number of people receiving Social Security Disability Insurance (DI) rose from 1.2 million in 1967 to 8.8 million in 2012. Since 2009, the DI program has paid out more in annual benefits than its taxes and interest from its trust fund (Burkhauser, Daly, McVikar and Wilkins, 2014). An effective disability policy and its proper implementation could reduce public expenditure on disability benefits (Jang, Wang and Lin, 2014). A study conducted by the Independent Living Institute estimates that 99% of people with disabilities in South Africa are omitted from employment in the labor market as they depend on social security benefits for survival purposes (Independent Living Institute, 2015). Approximately 16.0 million of social grant payments were made to vulnerable people in January 2013, of which approximately 1.2 million were paid out as Disability Grants in South Africa (Govender, Fried, Birch, Chimindi and Cleary, 2015).

In South Africa poverty is increasing despite that fact that expenditure on grants is expanding, both in

terms of the amount received by individuals and in absorbing the new poor (Dubihlela and Dubihlela, 2014), including people with disabilities. More than one billion of the world's seven billion people live with some form of disability (World Report on Disability, 2011). People with disabilities are the largest minority group, accounting for 15% of the world's population and 785 million are of working age (ILO, 2015). The real number could be higher as many people with disabilities live in poverty stricken countries and are not recorded in official statistics. While approximately 50 countries have adopted disability specific legislation, employment rates for people with disabilities are below that of the overall population (UN Enable, 2014).

Although laws relating to disability have been on the statute books for two decades in South Africa, little is known about how effective they have been and their impact in the workplace. The focus has been on the implementation of national disability policies without ensuring that each workplace formulates a disability policy. Furthermore, implementation, which involves translating policy into practice (Poon-McBrayer and Wong, 2013) has been uneven. While the employment of people with disabilities has received considerable attention in labor legislation and supporting documents (Gida and Ortlepp, 2007), there is a dearth of empirical research on the development of disability employment policies in both developed and developing countries. It is against this background that this article explores the development of workplace of disability employment policies that are

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the key to the employment of people with disabilities. The purpose of the study was to investigate whether government departments in the KwaZulu-Natal (KZN) Provincial Administration have developed or reviewed employment policies for the benefits of people with disabilities especially after the introduction of the Code of Good Practice: Key Aspects on the Employment of People with Disabilities (Disability Code) (Republic of South Africa, 2002) and the Technical Assistance Guidelines on the Employment of People with Disabilities (Technical Assistance Manual) (Republic of South Africa, 2005).

The article begins by investigating the background of disability-related employment policies in South Africa, the operational definition of disability, the history of people with disabilities and the United Nations' (UN) role in disability issues. It also highlights disability legislation in South Africa including government policies and programs. The focus then shifts to the HR managers responsible for ensuring that disability issues are accommodated in all employment policies in KZN government departments.

### **1. Background of disability related employment policies in South Africa**

In the early 1980s, people with disabilities in South Africa mobilized and organized themselves (White Paper on the Integrated National Strategy, 1997, p. 10) in order to campaign for full participation in the country's economy. Disability activists such as Mike du Toit, Friday Mavuso, Kathy Jagoe, Dr. William Rowland, and Advocate Michael Masutha, to name but a few, have played a major role in ensuring that people with disabilities are recognized and treated equally in all spheres of life. Apart from the substantial efforts of different stakeholders in apartheid South Africa, there is limited information on the disability employment policies of the time. Hence this article focuses on the period from 1994 to 2014, when South Africa celebrated 20 years of democracy.

Prior to 1994, South Africa was excluded from the global village due to its social, political, economic and employment policies. Disability issues were not a priority for the government, which focused on dividing people along racial, gender and color lines. In the democratic era, the Constitution of the Republic of South Africa No. 108 of 1996 (Constitution) and Employment Equity Act (EEA) No. 55 of 1998 protect people with disabilities against unfair discrimination. The Labor Relations Act 66 of 1995 (as amended) works as a tool of guidance, to educate and inform employers, employees and trade unions about their rights and obligations in an effort to support and encourage opportunities and fair treatment as well as full integration of people with disabilities in the

workplace (Okechukwu, 2013). In 1995 the Cabinet took the decision that people with disabilities should constitute 2% of the South African public service workforce by 2005. Government departments were required to continuously assess employment policies, management practices and the working environment in order to promote representivity and fairness and assist in the identification of barriers that may contribute to inequality (An Audit of Affirmative Action in the Public Service, 2006, p. 52).

While people with disabilities were protected against any form of discrimination, the prescripts were very broad. The Code of Good Practice: Key Aspects on the Employment of People with Disabilities (Disability Code) (Republic of South Africa, 2002) and the Technical Assistance Guidelines on the Employment of People with Disabilities (Technical Assistance Manual) (Republic of South Africa, 2005) were introduced to assist employers to promote equal employment opportunities, fair treatment, reasonable accommodation and the development of employment policies for people with disabilities. In 2002 only three government departments reached the target of 2% of people with disabilities employed (Report on Disability Equity in the South African Public Service, 2002, p. 5). It is not clear whether the target was reached because those departments had disability employment policies in place. These results were released at around the same time that the Disability Code (Republic of South Africa, 2002) and the Technical Assistance Manual (Republic of South Africa, 2005) were introduced.

Although there was progress in the employment of people with disabilities, government departments failed to meet the target despite the deadline being extended to 2010. Furthermore, the South African government aimed to halve unemployment and poverty by 2014 (Altman, 2007). People with disabilities account for a significant proportion of the working age population in developing countries; which makes disability a key issue (Mitra, Posarac and Vick, 2012). The fact that people with disabilities have fewer employment opportunities means that it is important that developing countries adopt policies that promote their well-being. However, legislation cannot guarantee the employment of people with disabilities. According to Hindle, Gibson, and David (2010) the under-utilization of people with disabilities is due to employers' unwillingness to take the assumed risk of employing people with disabilities. Despite the prescripts governing the South African public service, many people with disabilities are not gainfully employed. Workplace policies should demonstrate that organizations are committed to the employment of people with disabilities.

## 2. Literature review

**2.1. Operational definition of disability.** One might expect that a construct such as “disability”, which is firmly embedded in international discourse, would be clearly defined. However, there is no universal definition of disability. The World Health Organization’s International Classification of Functioning, Disability and Health defines disability as an outcome of a relationship between a person’s medical or health condition and the person’s personal circumstances as well as environmental factors, and has also moved towards a social approach to disability (World Health Organization, 2011). The EEA (Republic of South Africa, 1998) defines disability as “a long-term or recurring physical and/or mental impairment which substantially limits prospects of entry into, or advancement in, employment”. Physical impairment involves partial or total loss of a bodily function, while mental impairment refers to a clinically recognized condition or illness which affects a person’s thought processes, judgment and emotions. In the 2011 South African Census, disability was defined as “difficulties encountered in functioning due to body impairments or inactivity limitations, with or without the use of assistive devices” (Statistics SA, 2011). However, Census 2011 does not specify the number of people with disabilities, their gender or age and those who are willing and able to work. Mitra, Posarac and Vick (2012) assert that scholars of development pay little attention to disability due to the absence of quality data. Schneider and Nkoli (2015) pointed out that there is no solitary definition of disability, but definitions tend to be unique according to the context, purpose and capability to be operationalized. The UN has begun to develop a standardized set of questions to collect statistics on disability in censuses, helping to build databases that enable multi-country comparisons (UN Statistics Division, 2010).

## 3. History of people with disabilities

Research on employers’ attitudes towards people with disabilities spans more than half a century, commencing with studies investigating their general attitudes (Less, Rusk, White and Williams, 1957; Olshansky, Friedland, Clark and Sprague, 1955; Reeder and Dnahue, 1958), as well as attitudes towards former mental health patients (Olshanky, Grob and Malamud, 1958). People with disabilities were marginalized for centuries until World Wars I and II. They were discriminated against, segregated, banished and subjected to infanticide and genocide in some countries. In 1919, the Australian “Commonwealth’s Repatriation Commission”

(CRS) targeted ex-servicemen with disabilities for vocational training (Macali, 2006, p. 228). After World War II, ex-servicemen were given vocational and technical training before entering the labor market in countries such as France, Germany, Japan, China and Italy. Quotas were introduced and sheltered, employment was offered.

However, people with different disabilities, their employers and potential employers did not always take up such opportunities. In the United Kingdom, the 3% quota was not taken seriously by the majority of employers (Hyde, 1998, p. 201). Trade unions would not accept such employment and the UN had to intervene to encourage member States to develop and implement disability employment policies.

## 4. The United Nation’s role in disability issues

The political and policy implications of disability data were highlighted in the UN Convention on the Rights of People with Disabilities (Leonardi, 2010). The UN declared the decade from 1983 to 1992 the Decade of Disabled Persons and called on member States to implement the World Program of Action Concerning People with Disabilities (PACAD, 2002, p. 2). The adoption of the International Labor Organization (ILO) Code of Good Practice on Managing Disability in the Workplace in 2001 and a number of UN Conventions and global conferences promoted the rights of people with disabilities (International Labor Organization Ability Asia, 2014). However, people living with disabilities in Africa witnessed little improvement during the UN Decade due to the continent’s unique challenges, including social, political and economic conditions (Secretariat of the African Decade of Persons with Disabilities, 2014).

Modise, Olivier and Miruka (2014) remarked that disabilities differ from person to person and that some disabled people can perform their daily duties regardless of their disabilities. It has been commonly established that people with disabilities tend to develop into well-balanced, effective and useful employees in an environment of acceptance (Bernard, 2014). Gerber, Batalo and Achola (2012) are of the view that people with disabilities are gaining recognition and are entering the labor market. However, Bell and Heitmueller (2009) contend that it is costly to employ people with disabilities in the USA and UK. Furthermore, in the USA complex social security regulations on the amount of work permissible and termination of services discourage disabled people from applying for jobs (MacDonald-Wilson et al., 2003; McQuilken et al., 2003; O’Day and Killeen, 2002; Bond and Drake, 2014). As a result, the number of people with disabilities entering the labor market have decreased since the introduction of national disability policies.

A survey of 190 employers in the US found that only 3% had specific policies on the employment of people with disabilities in the seven years following the enactment of the Americans with Disability Act 42 of 1990 ADA (Scheid, 2005). The antidiscrimination laws in America have been insufficient in advancing international disability rights and more specially in promoting participation in key policy domains of employment (Harris, Owen, Jones and Caldwell, 2013). Other countries such as Germany have introduced a quota system but there is little evidence to show that it is working. Consequently, Mizunoya and Mitra (2012) conclude that disability has played a minor role in development policy and research circles. During the African Decade of Persons with Disabilities (1999-2009), countries such as Ghana, Sudan, Kenya and Democratic Republic of Congo made progress in terms of legislation. Furthermore, in countries such as Uganda and Lesotho, people with disabilities have been well-represented in government (Chalklen, Swartz and Watermeyer, 2014). Nonetheless, disability-related legislation in Africa is in its infancy, which has affected the development of workplace disability employment policies on the continent.

## 5. Disability in South Africa

South Africa is a signatory to a number of UN conventions, recommendations and declarations and has promulgated laws, guidelines and policies that encourage or ensure fairness and equal opportunities regardless of race, gender and disability in order to redress the imbalances of the past. Section 9 of the Constitution (Republic of South Africa, 1996) protects the rights of previously disadvantaged groups, which includes people with disabilities. Furthermore, the EEA (Republic of South Africa, 1998) prescribes equal opportunities for all employees and the removal of all barriers in order to promote the constitutional right of equality and the exercise of true democracy. The EEA (Republic of South Africa, 1998) requires fair treatment in all aspects of employment including recruitment, promotion, training and advancement of employees including people with disabilities. Irrespective of whether or not they are disabled, job applicants are protected in terms of the EEA (Republic of South Africa, 1998). Similarly, the Disability Code (Republic of South Africa, 2002) guides employers and workers in promoting equal employment opportunities and fair treatment of people with disabilities. The Technical Assistance Manual (Republic of South Africa, 2005) assists employers with regard to reasonable accommodation, defined below.

Workplace accommodation may include modifying policies; making facilities, equipment, or devices accessible to people with disabilities; restructuring

jobs and testing; providing training materials; changing work schedules; and/or providing opportunities to telecommute from home (Kaplan, Weiss, Moon and Baker, 2006; Schartz, Hendrichs and Blanck, 2006; Vedeler and Schreuer, 2011). These measures aim to increase the employability of people with disabilities (Bell and Heitmueller, 2009). When an individual is physically disabled, it can be said that they have a rather long term disability commonly permanent and is rarely stagnant which means changing needs should be reviewed frequently (Roinn and Mannystrie, 2015). According to Formiconi, Nicolini and Regolo (2015), disability is not a consequence of the individual's physical condition but the relationship between an individual and the context where he or she lives. A further objective is to encourage employers to use untapped resources by reviewing and developing their employment policies to accommodate people with disabilities. Nonetheless, studies show that people with disabilities continue to experience discrimination in the private sector (Cornell University, 2014) as well as the public service.

## 6. Disability statistics in the public service

The South African population is estimated at more than 54 million and the unemployment rate has increased to 25.5% (Statistics SA, 2014). The South African public service is the largest employer in the country as it employs 2,161 million public servants which are dispersed across all nine provinces (van Wyk, 2015). Ka Ntoni (2012) notes that only 4 798 (0.36%) were people with disabilities. KwaZulu-Natal has the second largest population of approximately 12.91 million people after Gauteng Province. Both provincial governments have committed themselves to the target of 2% of the workforce being people with disabilities. They have ensured that job seekers with disabilities are registered on the database used by provincial departments to improve compliance with employment equity targets. The Employment Equity Report (2015) indicates that people with disabilities only make up 1.4% and 1.2% in senior management in the public sector. The White Paper on HR Management in the Public Service (Republic of South Africa, 1998) recommended that, in drawing up recruitment policies and procedures, targets should be set for achieving a race, gender and disability balance and obtaining the skills required to achieve departments' operational needs. While the South African public service has made significant improvements with regard to race and gender targets, scholars such as Westmorland and Williams (2002) point to the need for more collaboration between policy-makers and employers to promote the success of disabled people in the labor market.

## 7. Employment of people with disabilities

Employment is a key activity of adulthood that is crucial to independence (Gerber et al., 2012). However, disability can result in limited access to the open labor market and consequently less participation (Randolph, 2004) and lower income (Mont and Nguyen, 2013). According to Avendano and Berkman (2014), there is a positive association between employment and health. However, work may also harm health by exposing individuals to risky environments and may also increase the opportunity costs of time, leading to lower investment in health than would be the case for someone who is not working (Avendano and Berkman, 2014).

Policy developments affect the employment prospects of people with disabilities (Bell and Heitmueller, 2009). Research shows that people with disabilities have a relatively low employment rate and that those who are employed often suffer job insecurity (such as irregular jobs, temporary work, or part time jobs) as well as lower income (Jensen, Sathiyandra, Rochford, Jones, Krishnan, and McLeod, 2005; Ozawa and Yeo, 2006; Yuan, 2012; Jang, Wang and Lin, 2014). The Independent Living Institute (2015) in its study found that limited skills, ineffective labor legislation, inadequate support mechanisms, inaccessible public transport, remote places of employment, and poor access to information are some of the factors contributing heavily towards the very high levels of unemployment amongst people with disabilities. Due to the disabling environment and poor awareness, people with disabilities are an invisible population (Ningshen, 2012). However, ILO (2015) argues that people with disabilities are good, dependable employees that are more likely to stay with the job, while hiring people with disabilities increases workforce morale; they are untapped sources of skills and talents; and they represent an overlooked and multi-dollar market segment.

## 8. Research methodology

An exploratory research design was employed. Exploratory research attempts to connect ideas to understand cause and effect, meaning researchers want to explain what is going on (Stebbins, 2011). As little is known on existing policies in the public service relating to the employment of people with disabilities, this study employed a qualitative research method, focusing on the development of disability policies at national and workplace level between 1994 and 2014.

**8.1. Deriving the sample.** The target population was Human Resource (HR) Managers in all 16 provincial departments in KZN including two

offices in the Office of the Premier (OTP) whose head offices are based in Pietermaritzburg and Ulundi, respectively. One develops transversal policies that cut across all provincial departments while the other deals with internal employment and HR policies as is the case in other departments.

Five units in the OTP develop policies, namely, HR Policy and Practices; Organizational Efficiency; HR Development; Labor Relations; and the Personnel Salary System (PERSAL). These units deal with transversal policies, which are policy frameworks approved by the OTP through the Provincial Cabinet for all provincial departments to customize or adopt. A Provincial Disability Desk (PDD) is located in the OTP under the Human Rights Chief Directorate; this office is responsible for all disability issues in the province.

Each department is headed by an HR manager. Convenience sampling was employed as all 16 HR Managers were readily available. This technique involves the selection of individuals based on their availability and willingness to participate in the study (Gravetter and Forzana, 2009). HR managers are directly responsible for the development of disability employment and HR policies. Although the study focused on the findings from in-depth semi-structured interviews with HR managers of provincial departments in KZN, Deputy Managers, Assistant Managers, and HR Practitioners were also interviewed as they were identified as having vast experience and being responsible for policy development and equity issues in their respective departments. Where HR managers were not available, the researcher was referred to the abovementioned officials. Therefore a snowball sampling technique was employed due to the inaccessibility of the respondents and the referral system was used to obtain information.

**8.2. Data collection and analysis.** An interview guide with open-ended questions was used to allow the researcher to ask follow up questions. The interviews were recorded using a digital recorder to obtain a verbatim account of the responses. There were six questions, which were mainly open-ended. This assisted the researcher to obtain rich data on the development and review of workplace disability employment policies. The interviews took between 10 and 15 minutes, which was adequate to gather the necessary data. Secondary data in the form of the Provincial Department's EE plans, reports, employment and HR policies and other related publications were also analyzed. Content analysis was used to analyze the respondents' concerns, ideas, attitudes and feelings on the study topic. Relevant themes were identified and each theme

was explained in detail. Transcription occurred after recordings. Ethical practices were adhered to and the respondents granted informed consent to participate in the study.

## 9. Findings and explanations

The findings were analyzed and presented in the form of tables which list the themes and the frequency of the responses. Anecdotes were also presented to showcase respondents' exact responses where there are no tables. It should be noted that at times respondents gave more than one answer to certain questions and therefore the number of responses is not always equal to the number of respondents interviewed. In order to determine the existence of departmental policies that relate to people with disabilities, each respondent was asked six questions.

**9.1. Approved HR employment policies.** The respondents were asked if their departments had approved employment and HR policies as these are crucial from the time of recruitment until the employee exits the department. Only ten (10) departments indicated that all employment and HR policies had been approved by the Head of Department (HoD). However, Respondent 10 said:

*"We have a fully-fledged employment policy development unit. We have also been experiencing or receiving instructions from senior management on who should develop which policy, leading to different units and components working in silos".*

This response points to a gap in the development of policies and might negatively affect the inclusion of people with disabilities in the public service. Four respondents stated that their department does not have any approved employment or HR policies. All use guidelines and collective agreements concluded at national level. Only 27% ( $n = 2$ ) of departments stated that they had adopted policies from other departments or customized policy frameworks developed at provincial level to suit their department's needs. It should be noted that some of these departments had existed for less than five years, perhaps due to restructuring. All the respondents stated that until provincial policy frameworks are approved, departments are not at liberty to engage parties and develop their own employment and HR policies. This contravenes the EEA (Republic of South Africa, 1998), the Disability Code and the Technical Assistance Manual (Republic of South Africa, 2005) which encourage employers to develop their own policies to promote the employment of people from historically disadvantaged backgrounds, including people with disabilities.

**9.2. Approved policies.** The researcher also sought to identify overall policies that could incorporate people with disabilities in each provincial department. The purpose was also to check if any policies were being drafted or reviewed to accommodate people with disabilities. The respondents cited policies such as the Recruitment and Selection (R&S) Policy; Employee Performance Management and Development System Policy; Subsistence and Travel (S&T) Policy; Bursary Policy and Relocation Policy as important policies approved by most departments. It is worth noting that they mentioned that the national office was sending different messages to provincial departments regarding policy development. Respondent 2 stated that:

*"Policies that have been developed (by the department) were thrown out by the Provincial Council...until the Provincial Office (OTP) has developed Provincial Policy Frameworks".*

He added that an official from the Department of Public Service and Administration had asked:

*"...Why are you doing policies if there is no Provincial policy because there must be a provincial one before doing your own policy? Secondly, if there is a national prescript why you doing a policy".*

However, an official in the Office of the Public Service Commission stated that departments cannot operate without departmentally approved policies. Two respondents said that they become confused, when a department issues practice notes that contradict existing policies. One respondent said:

*"there is also a duplication regarding the development of S&T policy with both finance and HR claiming to be responsible for its development" (Respondent 9).*

One of the R&S policies that were perused by the researcher to establish how disability issues were taken into consideration contained only one paragraph that touched on disability. The paragraph reads as follows:

*"In addition to achieving race and gender targets, the KwaZulu-Natal Provincial Government has an obligation to achieve the current 2% of disability target as set out by National Government. Provincial Departments are encouraged to forge relationships with disability agencies and to heighten the awareness on posts that are earmarked to be filled by disabled persons".*

This suggests that employment policy has focused on race and gender and that disability issues are simply an add-on. Furthermore, departmental

officials could not make any progress as different messages were received from different institutions regarding the development of policies in the public service. Besides the prescripts, the failure to develop disability employment policies in the public sector shows that government institutions are working in silos and that there is duplication and confusion in terms of their roles.

**9.3. Approved HR plan and EE plan.** These plans are crucial, especially for the employment of people with disabilities. The results show that 54% ( $n = 8$ ) and 80% ( $n = 12$ ) of the departments indicated that HR and EE plans had been approved by their HoDs or Member of the Executive Council (MEC), respectively. Other respondents were waiting for approval or were affected by the restructuring of their departments. As a result, there are no implementation and monitoring mechanisms in place to meet the set disability targets. The ineffective implementation of HR and EE plans and lack of monitoring have resulted in people with disabilities not being given equal employment opportunities and equal treatment. While the respondents acknowledged having action plans, they lack approved policies to achieve the goals set in the HR and EE plans. This might have led to increased costs of employing (Bell and Heitmueller, 2009) people with disabilities. It was difficult to determine whether the number of people with disabilities had decreased or increased due to the absence of disability employment policies and effective implementation of employment plans.

**9.4. Policies relating specifically to people with disabilities.** The majority of departments (75%) ( $n = 12$ ) stated that they have no policy that relates specifically to people with disabilities in the workplace and offered different reasons for this state of affairs. Respondent 13 stated that:

*“We have mentioned people with disabilities in our policies such as bursary policy that they will be given preference in order to comply with the EEA and each and every policy somehow specifies what is going to happen in terms of beneficiaries”.*

It should be noted that the respondents indicated that they mainly deal with disability issues when they report on employment equity.

Remarkably, only four (27%) departments had policies that relate specifically to people with disabilities. However, two other respondents indicated that, while they do not have a policy *per se*, there are approved guidelines on reasonable accommodation of people with disabilities. Respondent 9 said:

*“We have guidelines on reasonable accommodation of people with disabilities...there are a lot of*

*challenges in committing to the contents of the Technical Assistant Guidelines and we decided to have guidelines approved instead of a policy ... in a way, it is a policy”.*

Respondent 9 identified some of the challenges

*“Were budgetary constraints in terms of purchasing assistive devices, expectations, lack of capacity as officials in the employ of the department were already stretched”.*

If policies are not developed at workplace level, combined with a lack of research on progress, and legislation relating to disability, it is unlikely that people with disabilities at grassroots levels will witness much progress.

**9.5. Specific policies for people with disabilities.** The findings revealed that only four departments have policies that relate specifically to people with disabilities; this is reflected in Table 1 below.

Table 1. Specific policies for people with disabilities

Name of policy
Policy framework on the management of people with disabilities in the workplace
Policy on disability management in the workplace
Policy on employment of people with disability in KwaZulu-Natal department
Disability policy

All the respondents cited different names for the policy that relates to people with disabilities.

**9.6. Stage of policy development.** The final question in the interview guide asked respondents to indicate the stage of development of their policies relating to people with disabilities.

Table 2. Stage of policy development

Themes	Frequency of responses
Policy that relates to people with disabilities is still in draft form	3
Policy that relates to people with disabilities was approved	1

Three respondents (75%) indicated that, although they have a policy on people with disabilities, it is still in draft form. Respondent 8 stated that their policy:

*“Is still in a draft form...to be referred to the council for consultation with organized labor”.*

Only one (25%) respondent stated that their department had a policy on people with disabilities. While this was approved in 2005, the respondent conceded that implementation was a challenge since the person who developed it had died. In perusing the approved disability policy in question, the researcher noted that the policy requested:

*“Head office components to identify vacant posts i.e. Switchboard, OPS room, Clerical etc. to be advertized to employ people with disabilities and in*



*any other job where they meet the prescribed inherent requirements. In terms of advertisement, the policy states that adverts may be sent to Disabled People organizations, some jobs must be advertized specifically to recruit people with disabilities, use head hunting where other means of recruitment to attract people with disabilities have failed, advertisements must be made available in accessible formats e.g. Braille, magazine, audiotape, establish the database for people with disabilities”.*

The policy focuses on recruiting people with disabilities for posts identified by the heads of components. The fact that lower-grade jobs are mentioned could cause officials to categorize jobs for people with disabilities. This suggests that both the Disability Code (Republic of South Africa, 2002) and the Technical Assistance Manual (Republic of South Africa, 2005) were not properly consulted.

The study found that 60% of the respondents did not engage the Disability Code (Republic of South Africa, 2002) and the Technical Assistance Manual (Republic of South Africa, 2005) during the development of their employment and HR policies to address the employment of people with disabilities. The Technical Assistance Guidelines on the Employment of People with Disabilities (2005, p. 6) state that employers; employees and their organizations should use the Disability Code to develop employment policies and refine disability equity policies and programs to suit the needs of their workplaces. The Disability Code is a broader equity document that aims to ensure that the rights of people with disabilities are recognized in the labor market as they experience high levels of unemployment and often occupy lower status positions or earn lower than average remuneration (Code of Good Practice or Employment of People with Disabilities, 2002, p. 5). The Technical Assistance Manual complements the Disability Code in the practical implementation of aspects of the EEA (No. 55 of 1998) relating to the employment of people with disabilities (Technical Assistance Guidelines, 2005, p. 3). If employers or other parties fail to consult both the Disability Code (Republic of South Africa, 2002) and the Technical Assistance Manual (Republic of South Africa, 2005), they will not effectively and efficiently address the employment of people with disabilities in South Africa. As noted earlier, in a survey conducted in 2002, a number of provincial departments indicated that departmental specific policies on disability were either in the process of being developed or were in draft form (Report on Disability Equity in the South African Public Service, 2002, p. 6). Thirteen years later, only one department has an approved policy on people with disabilities and that policy has never been implemented. People with disabilities have not only

experienced unfair discrimination in the past, but they continue to be at the receiving end of ‘unjustified’ perceptions by employers, which leads to their continued discrimination and marginalization in the labor market (Sheldon, 2014). The importance of such policies is highlighted by O’Day and Killeen (2002, p. 559) who note that the employment of people with disabilities improves social status, provides social support, enables workers to make a contribution, and increases self-worth. Employers who have hired people with disabilities found them to be easy to supervise, to have productivity levels equal to or higher than employees without disabilities, and to have low absentee rates (Hernandez et al., 2008; Kaye et al., 2011; Henry, Petkauskos, Stanislawzyk and Vogt, 2014). As one of the stakeholders and the largest employer in South Africa, government has a responsibility in shaping the economic climate and initiating policies that encourage the business community to invest in hiring employees with disabilities rather than perceiving them as a possible liability or expense (Harris et al., 2013). Employment is central to independence (Gerber et al., 2012), and policy development affects the employment of disabled people (Bell and Heitmueeller, 2009). The absence of workplace of specific disability employment policies has a huge impact, as managers are not obliged to hire people with disabilities in order to meet the 2% national and departmental target.

### Limitations

One limitation of the study is that it focused on HR managers as the officials responsible for the development of disability employment policies. Another limitation is that one HR manager was interviewed telephonically due to their office location and tight work schedule.

### Conclusion

The study found evidence that KZN provincial departments have not adopted specific disability employment policies. While the results show that the respondents do take people with disabilities into account in reporting on EE issues and in certain policies, a perusal of the only approved disability policy namely; Policy on employment of People with Disabilities in KwaZulu-Natal Department revealed that, disability issues were mentioned briefly in only one paragraph. Only a fraction of the respondents stated that their department had policies on the management of people with disabilities and most were still in draft form. The Disability Code (Republic of South Africa, 2002) and the Technical Assistance Manual (Republic of South Africa, 2005) were not extensively used in the development of disability-related employment policies. Due to the lack of workplace disability employment policies in the South African public sector, 20 years into democracy (1994-

2014 period) people with disabilities continue to be deprived of their constitutional rights. In the absence of workplace disability employment policies, many decades may well pass before the majority of South

Africans with disabilities are gainfully employed, enjoy their constitutional rights, are protected in terms of the EEA (Republic of South Africa, 1998) and are able to fully participate in the labor market.

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