

POLICY ON THE REASONABLE ACCOMMODATION OF PEOPLE WITH DISABILITIES

1. PURPOSE

The purpose of this policy is to develop in as far as possible ways and means of accommodating people with disabilities within the employ of Blouberg Local Municipality in terms of the Employment Equity Act 55 of 1998 and the Code of Good Practice contained by the same legislation.

2. SCOPE

The policy is applicable to all Blouberg Local Municipality existing employees and prospective job applicants.

3 Definitions

The definition of a disability: A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment or being regarded as having such an impairment.

- A determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic substantially limits one or more major life activities of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position or substantially limits one or more of the major life activities of that individual and is unrelated to the individual's qualifications for employment or promotion.

4. POLICY

Blouberg Local Municipality is committed to hiring qualified persons with disabilities and fulfilling its responsibilities under Section 6 (1) of the Employment Equity Act and other labour related regulation.

It is Council policy to accommodate people with disabilities within the workplace in a reasonable manner:

- 4.1 Council will reasonable accommodate the needs of people with disabilities. The aim of the accommodation is to reduce the impact of the impairment of the person's capacity to fulfill the essential functions of a job.
- 4.2 Council will adopt the most effective means that are consistent with effectively removing the barrier to a person being able to perform the job, and to enjoy equal access to the benefits and opportunities of Employment.
- 4.3 Reasonable accommodation applies to applicants and employees with disabilities and may be required:
 - During the recruitment and selection process
 - In the working environment
 - In the way work is usually done and evaluated and rewarded; and
 - In the benefits and privileges of employment
- 4.4 Council undertakes the obligation to make reasonable accommodation which may arise when an applicant or employee voluntarily discloses a disability related accommodation need or when such a need is reasonably self-evident to Council.

4.5 Council will accommodate employees when work or the work environment changes or impairment varies which affects the employee's ability to perform the essential functions of the job.

4.6 Council will consult the employee and, where practicable, technical experts to establish appropriate mechanisms to accommodate the employee.

4.7 The particular accommodation will depend on the individual, the impairment and its effect on the person, as well as on the job and the working environment.

4.8 Reasonable accommodation will depend on the individual, the impairment and its effect on the person, as well as on the job and the working environment.

4.9 Examples of reasonable accommodation include:

- Adapting existing facilities to make them accessible;
- Adapting equipment or acquiring new equipment including computer hardware and software;
- Re-organising work stations;
- Changing training and assessment materials and systems;
- Restructuring jobs so that non-essential functions are re-assigned.
- Providing readers, sign language interpreters, and
- Providing specialized supervision, training and support.

4.10 Council may evaluate work performance against the same standards as other employees but the nature of the disability may require Council to adapt the way performance is measured.

4.11 Council need not accommodate a qualified applicant or an employee with disability if this would impose an unjustifiable hardship on the business of the municipality.

4.12 Unjustifiable hardship is an action that requires significant or considerable difficulty or expense and that would substantially harm the viability of the municipality. This involves considering the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the municipality.

5. Procedure for applying accommodation/special equipments

The Municipality employee or job applicant must follow these three steps to request an accommodation:

1. The employee/applicant must self-identify as a person with a disability;
2. The employee/applicant must provide medical documentation of the disability; and
3. The employee/applicant must make a written request for an accommodation and provide supporting medical documentation, if requested.

Employee / Applicant

- Identification as a Person with a Disability
Employees and applicants may self-identify as a person with a disability through employment interviews or at other times by contacting the Disability Desk.
- Requests for Accommodation
A person with a disability may or may not need accommodation. If an employee/applicant believes he/she needs an accommodation, he/she may request an accommodation:

- o prior to or during an interview if a reasonable accommodation is necessary for the applicant to participate in the interview and selection process (such a request must be conveyed in writing as described in Section B below if the applicant is hired); or
 - o by completing the Employee Information Sheet, the Medical, Physical and/or Sensory Disability Documentation/Verification or Psychiatric/Psychological Disability Documentation form and an Accommodation Request form; these forms are obtainable at HR Unity.
- At any time during the accommodation request process, the Municipality may ask the employee/applicant for additional medical documentation of the disability and of the need for an accommodation. The employee/applicant must provide this additional documentation to facilitate the accommodation process.

Supervisor /Head of Department

If an employee/applicant requests an accommodation, the supervisor/Head of Department should refer the employee/applicant to the Employment equity committee or Disability Desk

The Employment Equity committee

The employee/applicant should contact the Equity Rep to begin the accommodation process. The Employment Equity Rep will assist the supervisor/Head of Department in determining whether an accommodation is warranted, explore possible accommodations, and assess the effectiveness each would have in enabling the employee/applicant to perform his/her job.

Throughout the accommodation process, the Employment Equity Rep should not request information regarding:

- how the employee/applicant became a person with a disability, or
- disabilities that are not related to the essential functions of the employee/applicant's job.

What constitutes a reasonable accommodation will vary depending on the circumstances of each case. In evaluating alternatives for accommodation, the preferences of the individual are considered, but the ultimate decision regarding what type of accommodation, if any, will be provided is made by the Municipality.

Medical documentation, as well as other related materials, will be maintained at the HR Unity. Such documentation is kept confidential, except as necessary to administer the accommodation process. Accordingly, such documentation may be shared only with those individuals directly involved in the accommodation process on an as needed basis.

Employment Equity Committee consults with employees/applicants and supervisors/Head Of Department throughout the accommodation request process. During that process, the Employment Committee Rep will generally discuss the following issues:

- the essential job functions of the position;
- the employee/applicant's ability to perform essential job functions with or without a reasonable accommodation; and,
- possible types of reasonable accommodations, if any are needed.

During the accommodation request process, the Committee Rep may:

- gather additional medical information;
- evaluate whether any accommodation is needed and, if it is, whether an accommodation is reasonable and should be made (this evaluation may include preparing cost estimates);

- assess various accommodations;
- identify alternative accommodations or solutions;
- provide information from resources about the capabilities of persons with disabilities and the tools/techniques they use;
- determine a reasonable accommodation, if appropriate;
- provide a written determination to the department/unit and employee/applicant;
- explain the department/unit's responsibility to fund an accepted accommodation or to seek Major Administrative Unit funding, if needed;

The Committee makes a determination regarding implementation of accommodations. The committee will consider each request for reasonable accommodation and determine: (1) whether the accommodation is needed, (2) if needed, whether the accommodation would be effective, and (3) if effective, whether providing the reasonable accommodation would impose an undue hardship.

Appeals

If an employee/applicant or supervisor/Head of department disagrees with the committee's determination, the decision may be appealed to the Chairperson of the committee in writing. Retaliation against an employee or applicant who requests an accommodation is prohibited. Individuals who feel that they have experienced retaliation may contact the office of the Municipal Manager.

Other Resources

Human Resources Staffing Services facilitates placement of employees with work restrictions. Such placements may exceed the Municipal's legal obligations. In these cases, the nature of the relevant work restrictions is shared with employing departments/units so that appropriate discussions about placement can take place. The Municipality does not guarantee such placements nor does it waive its right to limit its responsibility to accommodate a person with a disability to the duties imposed by the applicable state.

REASONABLE ACCOMMODATION POLICY

BLOUBERG MUNICIPALITY



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POLICY ON THE REASONABLE ACCOMMODATION POLICY

1. PREAMBLE

Blouberg Local Municipality subscribes to a policy of non – discrimination on grounds of disability in all aspects of employment, including recruitment, selection, training, promotion, transfers and employee benefits. Thus, it strives to focus on employees' abilities and to accommodate limitations in appropriate and practical ways. In this way, employees with disabilities can perform their essential job functions and advance in their careers on an equal basis with other employees.

2. PURPOSE

The purpose of this policy is to develop ways and means of accommodating people with disabilities within the employ of Blouberg Local Municipality in terms of legislation listed herein

3. OBJECTIVES

The objectives of this Policy are to

- (a) Ensure that the Municipality proactively employs people with disabilities;
- (b) Ensure that the Municipality promotes equal opportunity in the workplace; and
- (c) Ensure that the Municipality fulfills its responsibilities in terms of Section 6 (1) of the Employment Equity Act and other related labour legislation

4. SCOPE

The policy is applicable to all applicants, employees, and employees seeking promotional opportunities and applies to three aspects of employment namely :

- (a) To ensure equal opportunity in the employment process;
- (b) To enable a qualified individual with a disability to perform the essential functions of a job; and
- (c) To enable an employee with a disability to enjoy equal benefits and privileges of employment.

5. LEGAL FRAMEWORK

- (a) The Constitution of the Republic of Africa, 1996 prescribes the right to equality and non-discrimination against persons on the grounds of disability
- (b) Disability Framework for Local Government 2009 – 2014 directs and guides the mainstreaming of disability issues into all policies, plans, programmes and activities of local government, thus significantly helping to enhance the quality of life and foster the full participation and empowerment of men, women, youth, the elderly and children with disabilities in all spheres of life
- (c) Integrated National Strategy Framework
- (d) Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000
- (e) Employment Equity Act, 55 of 1998;
- (f) Skills Development Act, 97 of 1998
- (g) The Labour Relations Act, 66 of 1995

6. TIMEFRAMES

The Policy comes into operation immediately upon its approval by the Council or at a date determined by Council resolution. The Policy will thereafter be reviewed after every twelve months or upon dictates of a national or provincial legislation.

7. DEFINITIONS

- **Disability:** A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment or being regarded as having such an impairment. A determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic substantially limits one or more major life activities of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position or substantially limits one or more of the major life activities of that individual and is unrelated to the individual's qualifications for employment or promotion.
- **Municipality** means Blouberg Local Municipality;
- **Reasonable accommodation :** A modification or adjustment to a job or to the working environment that will enable a person with disabilities to have access or participate in advance in employment;
- **Unjustifiable hardship** is an action that requires significant or considerable difficulty or expense and that would substantially harm the viability of the municipality. This involves considering the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the municipality

8. PRINCIPLES

The following are principles that underpin this Policy

- (a) Respect for the human dignity of people with disabilities;
- (b) General access to service delivery, information and physical environment;
- (c) Equality of opportunities for people with disabilities;
- (d) Full and effective participation by and inclusion of people with disabilities in the Municipality;
- (e) The need to contribute to changes in negative attitudes and cultural beliefs about disability in the workplace and local communities.

9. ROLES AND RESPONSIBILITIES

9.1 Mayor

The roles and responsibilities of the Mayor are to :

- (a) Politically champion disability issues in line with the Mayor's Handbook stipulations;
- (b) Ensure that programmes and projects are coordinated and implemented, and oversee the promotion and advancement of the rights of people with disabilities; and
- (c) Provide oversight and respond to advocacy campaigns by civil organizations.

9.2 Municipal Manager

The roles and responsibilities of the Municipal Manager are to :

- (a) Prioritise disability issues and integrate them in the IDP;
- (b) Implemented agree performance management targets related to disability;
- (c) Ensure a twin - track approach to mainstreaming disability components in all the departments of the Municipality;
- (d) Coordinate and mainstream disability policies in strategies and structures;
- (e) Monitor and evaluate programmes implemented by departments and directorates for disability responsiveness or sensitivity;
- (f) Network and liaise with disability forums;
- (g) Develop progress reports on disability issues in the Municipality; and
- (h) Ensure that all reports provide information about employment of people with disabilities in the Municipality, service delivery to members of the community with disabilities and overall mainstreaming of disability within the Municipality.

9.3 Special Focus Officer

The roles and responsibilities of an official responsible for people with disabilities are to :

- (a) Liaise with the Department of Cooperative Governance and Traditional Affairs and Office of the Status of Disabled Persons in the Premier's Office on disability issues;
- (b) Lead the process of developing sector - specific indicators in the Municipality;
- (c) Conduct sector - specific analysis on disability disparities to ensure a comprehensive sector plan;
- (d) Provide guidance for disability analysis and facilitate mainstreaming of disability into the IDP;
- (e) Implement and evaluate cross - cutting programmes such as poverty alleviation, job creation, HIV and Aids and rural strategy and ensure responsiveness to disability;
- (g) Ensure the implementation of the Disability Framework for Local Government and the Municipality's Reasonable Accommodation Policy; and

- (h) Collaborate with other components within the Municipality to ensure the mainstreaming of disability throughout the Municipality.

9.4 Municipal Departments

The roles and responsibilities of municipal departments are :

- (a) Set performance measures in relation to disability for departmental personnel and monitor and evaluate performance;
- (b) Integrate disability components into budgets, programmes, policies, legislation and strategies;
- (c) Implement programmes of benefit to people with disabilities in conjunction with civil society organizations of and for people with disabilities;
- (d) Prepare and submit reports to oversight committees and to management structures; and
- (e) Include disability information in all reports.

9.5 Employment Equity Committee

9.6 Special Focus Portfolio Committee

10. POLICY DIRECTIVES AND PROCEDURES

10.1 Criteria on assessing reasonable accommodation needs

The following criteria will serve as a guideline when assisting aids are to be procured for employees with disabilities :

- (a) The impairment should be substantially limiting, with overt symptoms;
- (b) The absence of reasonable accommodation should make the employee either totally or partially unable to perform the inherent requirements (essential functions) of the job;
- (c) The principles of reasonable accommodation as provided for in the Employment Equity Act should be applicable;

10.2 Applicability of Reasonable Accommodation

- (a) Reasonable accommodation applies to applicants and employees with disabilities and may be required:

- (i) During the recruitment and selection process
- (ii) In the working environment
- (iii) In the way work is usually done, evaluated and rewarded; and
- (iv) In the benefits and privileges of employment

- (b) Council will take reasonable steps to accommodate the needs of people with disabilities. The aim of the accommodation is to reduce the impact of the impairment of the person's capacity to fulfill the essential functions of a job;
- (c) Council will adopt the most effective means that are consistent with effectively removing the barrier to a person being able to perform the job, and to enjoy equal access to the benefits and opportunities of;
- (d) Council undertakes the obligation to make reasonable accommodation which may arise when an applicant or employee voluntarily discloses a disability related accommodation need or when such a need is reasonably self-evident to Council;
- (e) Council will accommodate employees when work or the work environment changes or impairment varies which affects the employee's ability to perform the essential functions of the job;
- (f) Council will consult the employee and, where practicable, technical experts to establish appropriate mechanisms to accommodate the employee;
- (g) The particular accommodation will depend on the individual, the impairment and its effect on the person, as well as on the job and the working environment;

- (h) Council may evaluate work performance against the same standards as other employees but the nature of the disability may require Council to adapt the way performance is measured;
- (i) Council need not accommodate a qualified applicant or an employee with disability if this would impose an unjustifiable hardship on the business of the municipality
- (j) Examples of reasonable accommodation include:

- (i) Adapting existing facilities to make them accessible;
- (ii) Adapting equipment or acquiring new equipment including computer hardware and software;
- (iii) Re-organising work stations;
- (iv) Changing training and assessment materials and systems;
- (v) Restructuring jobs so that non-essential functions are re-assigned.
- (vi) Providing readers, sign language interpreters, and
- (vii) Providing specialized supervision, training and support.

10.3 Procedure for applying for accommodation/special equipments

- (a) The Municipality employee or job applicant must follow these three steps to request an accommodation:
 - (i) The employee/applicant must self-identify as a person with a disability;
 - (ii) The employee/applicant must provide medical documentation of the disability; and
 - (iii) The employee/applicant must make a written request for an accommodation and provide supporting medical documentation, if requested.
- (b) Employees and applicants may self-identify as a person with a disability through employment interviews or at other times by contacting the Human Resources Manager or his/her delegate;
- (c) A person with a disability may or may not need accommodation. If an employee/applicant believes he/she needs an accommodation, he/she may request an accommodation:
 - (i) prior to or during an interview if a reasonable accommodation is necessary for the applicant to participate in the interview and selection process (such a request must be conveyed in writing); or
 - (ii) by completing the Employee Information Sheet, the Medical/Physical and/or Sensory Disability Documentation/Verification or Psychiatric/Psychological Disability Documentation form and an Accommodation Request form; these forms are obtainable at HR Unit;
 - (iii) At any time during the accommodation request process the Municipality may ask the employee/applicant for additional medical documentation of the disability and of the need for an accommodation. The employee/applicant must provide this additional documentation to facilitate the accommodation process.
- (d) If an employee/applicant requests an accommodation, the supervisor/Head of Department should refer the employee/applicant to the Employment equity committee or Human Resources Manager or his/her delegate;
- (e) The employee/applicant may contact the Employment Equity Representative to begin the accommodation process. The Employment Equity Representative will assist the supervisor/Head of Department in determining whether an accommodation is warranted, explore possible accommodations, and assess the effectiveness each would have in enabling the employee/applicant to perform his/her job;
- (f) Throughout the accommodation process, the Employment Equity Rep should not request information regarding:
 - (i) how the employee/applicant became a person with a disability, or
 - (ii) disabilities that are not related to the essential functions of the employee/applicant's job.

- (g) What constitutes a reasonable accommodation will vary depending on the circumstances of each case. In evaluating alternatives for accommodation, the preferences of the individual are considered, but the ultimate decision regarding what type of accommodation, if any, will be provided is made by the Municipality.
- (h) Medical documentation, as well as other related materials, will be maintained at the HR Unit. Such documentation is kept confidential, except as necessary to administer the accommodation process. Accordingly, such documentation may be shared only with those individuals directly involved in the accommodation process on an as needed basis.
- (i) Employment Equity Committee consults with employees/applicants and supervisors/Head of Department throughout the accommodation request process. During that process, the Employment Committee Rep will generally discuss the following issues:
 - (i) the essential job functions of the position;
 - (ii) the employee/applicant's ability to perform essential job functions with or without a reasonable accommodation; and;
 - (iii) possible types of reasonable accommodations, if any are needed.
- (j) During the accommodation request process, the Committee Rep may:
 - (i) gather additional medical information;
 - (ii) evaluate whether any accommodation is needed and, if it is, whether an accommodation is reasonable and should be made (this evaluation may include preparing cost estimates);
 - (iii) assess various accommodations;
 - (iv) identify alternative accommodations or solutions;
 - (v) provide information from resources about the capabilities of persons with disabilities and the tools/techniques they use;
 - (vi) determine a reasonable accommodation, if appropriate;
 - (vii) provide a written determination to the department/unit and employee/applicant;
 - (viii) explain the department/unit's responsibility to fund an accepted accommodation or to seek major Administrative Unit funding, if needed;
- (k) The Committee makes a determination regarding implementation of accommodations. The committee will consider each request for reasonable accommodation and determine:
 - (i) whether the accommodation is needed;
 - (ii) if needed, whether the accommodation would be effective, and
 - (iii) if effective, whether providing the reasonable accommodation would impose an undue hardship.

10.4 Appeals

If an employee/applicant or supervisor/Head of department disagrees with the committee's determination, the decision may be appealed to the Chairperson of the committee in writing. Retaliation against an employee or applicant who requests an accommodation is prohibited. Individuals who feel that they have experienced retaliation may contact the office of the Municipal Manager.

11. EVALUATION CRITERIA

This policy will be evaluated every year to establish the following :

11.1 Impact

The extent to which the policy's desired results have been met.

11.2 Responsiveness

Whether the policy, as it stands, is able to address the initially identified problem.

11.3 Applicability

Whether the policy is still worth having

12. ATTACHMENTS

None

13. POLICIES REPEALED

This is a new policy.