



## POLICY ON EMPLOYEES LIVING WITH DISABILITIES

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<b>Policy owner</b>	Director: Talent Management and Organisational Development
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## People and Culture

# POLICY ON EMPLOYEES LIVING WITH DISABILITIES

## PREAMBLE

Against the background of the dream to be an internationally recognized university in Africa, distinguished for engaged scholarship, social responsiveness and an ethic of care, the Council of the North-West University (NWU) has adopted this policy on 21 November 2019 on managing people with disabilities.

## 1 INTERPRETATION AND APPLICATION

This policy must be interpreted and applied in a manner consistent with the –

- Constitution of the Republic of South Africa, 1996
- Occupational Health and Safety Act, 85 of 1993
- The Labour Relations Act, 66 of 1995
- Basic Conditions of Employment Act, 75 of 1997
- Employment Equity Act, 55 of 1998
- United Nations Convention on the Rights of Persons with Disabilities, 2007
- White Paper on the Rights of Persons with Disabilities (2015), Government Gazette 39792, 9 March 2016
- Code of Good Practice: Key Aspects on the Employment of Persons with Disabilities, Government Gazette 23702, 19 August 2002
- Department of Labour's Technical Assistance Guidelines on the Employment of People with Disabilities, and
- with all related policies of the NWU.

## 2 SCOPE AND APPLICATION

This policy applies to all employees living with a disability.

## 3 DEFINITIONS

In this policy and related documents –

**"impairment"** must be understood to include either physical or mental impairment or a combination of both, progressive or recurring conditions which have no overt symptoms or which do not substantially limit a person with no disabilities;

**"long-term impairment"** means impairment which has lasted or is likely to persist for at least twelve months;

**"mental impairment"** means a clinically recognized condition or illness that affects a person's thought

processes, judgment or emotions;

**"persons living with disabilities"** refers to persons who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

**"physical impairment"** means a partial or total loss of a bodily function or part of the body, including sensory impairments such as being deaf or having hearing or visual impairments;

**"progressive conditions"** means substantially limiting conditions that are likely to develop or change for the worse, or recur;

**"recurring impairment"** means impairment that is likely to happen again and to be substantially limiting, including a constant chronic condition;

**"substantially limiting impairment"** means an impairment which, in its nature, duration or effects, substantially limits a person's ability to perform the essential functions of the job for which they are being considered.

## 4 POLICY STATEMENT

4.1 The University rejects to unfair discrimination, whether direct or indirect, on all listed grounds, including race, gender, marital status, religion, or creed, age, HIV status, culture, pregnancy, language, sexual orientation, colour, ethnic or social origin and disability.

This encompasses, but is not limited to:

- Recruitment procedures, including advertising and selection Appointment process;
- Job classification and/or grading;
- Remuneration, employment benefits and terms of conditions of employment;
- Job assignment;
- Working environment and facilities;
- Training and development;
- Performance evaluation, promotion, transfer and demotions.

4.2 Employees of the university living with disabilities may not be unfairly discriminated against in job selection, be dismissed, removed from normal duty or isolated solely on grounds of disability.

4.3 The management of the NWU must ensure that any prejudice against, victimisation, harassment, or unfair discrimination of persons with a disability do not occur, and if it does, that it is dealt with according to appropriate procedures and where necessary, by means of disciplinary action.

4.4 It is the policy of the NWU to –

- a) ensure a workplace that is free from unfair discrimination on any grounds, including disability;
- b) promote employment equity and diversity in the workplace;
- c) recognise that disability does not diminish the right of employees to be gainfully employed and to contribute to the workplace;
- d) ensure that persons living with disabilities are treated fairly and provided with equal opportunities at NWU as a workplace;
- e) implement a disability awareness programme;
- f) address the health, safety and the working environment of employees living with disabilities;
- g) creating a safe environment in the workplace for employees living with disabilities;
- h) ensure that the rights of employees living with disabilities are fully respected in the workplace;

- i) provide the employees of the university with a clearly outlined normative framework within which to understand and manage the inclusion and advancement of people living with disabilities;
- j) where reasonably possible, re-integrate employees who become disabled during employment by exploring the possibility of offering alternative work, reduced work or flexible work placement, and to
- k) assist employees living with disabilities whose disability arose from a work-related illness or accident, to apply for the available statutory compensation.

## 5 IMPLEMENTATION

- 5.1 The University Management Committee must ensure that this policy is implemented in accordance with the prescribed processes, and procedures.
- 5.2 Line Managers must adhere to this policy and follow the prescribed processes and procedures.
- 5.3 The People and Culture Department of the university is responsible for the administration process, and the provision of statistics for people living with disabilities.

## 6 DISCLOSURE AND INVESTIGATION OF A DISABILITY

- 6.1 An applicant or employee living with a disability may at the time choose to disclose an impairment which requires accommodation by the University.
- 6.2 If a person living with a disability chooses not to disclose an impairment which is the cause of a disability, the University is not obliged to provide for accommodation of the disability.
- 6.3 Where a disability is self-evident, then the University must proactively engage the person living with the disability to determine the nature of the accommodation that may reasonably be required.
- 6.4 Persons living with disabilities are required to –
  - familiarise themselves with the term “reasonable accommodation”;
  - be able to explain in their own words the type of accommodation they may require relating to the specific nature, degree and severity of their disability;
  - take the responsibility to request accommodation where it is required;
  - take final decision about the type of accommodation they may require, and
  - accept reasonable accommodation insofar as it is viable for both themselves and the employer.

## 7 CONFIDENTIALITY

### Legitimate purpose

People and Culture (Wellness office) including NWU health and medical services employees, may only gather private information about an applicant or employee if it is necessary to achieve a "legitimate purpose" and with the written consent of the person

### Protection of confidentiality of information -

The information should will only be accessible by those members of the NWU who actually need to know it, for the benefit of ensuring non-discrimination and affirmative action and/or for the objective safety concerns related to a specific individual and a specific job.

### Destroying of information, no longer in need -

The information should be maintained only as long as it is necessary to ensure the implementation of nondiscrimination and affirmative action measures.

**Written consent and reference to Health and Safety -**

In addition to gaining consent in the gathering of information from elsewhere, unless legally required, no employer may disclose any information related to a person's disability to anyone else without the written consent of the person

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