



POLICY ON EMPLOYEES WITH DISABILITIES

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POLICY ON EMPLOYEES WITH DISABILITIES

Preamble

Against the background of our vision to discover new frontiers and opportunities that benefit society, thereby advancing our relevance and impact, the Council of the North-West University (“NWU”, “university”) adopted this policy on 19 November 2025.

1 Interpretation and application

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

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

2 Scope and application

This policy applies to all employees with a disability.

3 Definitions

In this policy and related documents –

“impairment” refers to an anomaly, a defect, loss, or significant deviation in body structure or functioning. The impairment may be permanent or temporary, and progressive or regressive. It can be physiological, intellectual, psychosocial, psychological, or sensory in nature. An impairment associated with a specific cause does not imply an illness or a disorder;

“invisible impairment” and “invisible disability” refer to physical, mental, cognitive, or neurological conditions that are not immediately apparent to others but can limit a person’s ability to perform daily activities or participate fully in academic or social life. Examples include mental health conditions such as depression or anxiety, learning disabilities, autism spectrum conditions, chronic pain, epilepsy, diabetes, ADHD, and chronic illnesses such as fibromyalgia or lupus;

“long-term impairment” means impairment that has lasted or is likely to persist for at least twelve (12) months;

“mental impairment” refers to any temporary or permanent condition or illness affecting a person’s cognitive, emotional, psychological, or behavioural functioning – regardless of formal diagnosis – that may impact their ability to learn, communicate, concentrate, regulate emotions, or relate to others;

“people with disabilities” refers to individuals with a long-term or recurring physical, mental, intellectual, or sensory impairment, which, in interaction with various barriers, may substantially limit their prospects of entry into, or advancement in employment, and ‘persons with disabilities’ has a corresponding meaning;

“physical impairment” means a partial or total loss of a bodily function or part of the body, including sensory impairments such as deafness or hearing or visual impairment;

“progressive conditions” are long-term physical, mental or neurological health conditions that are likely to worsen over time, resulting in increased functional limitations or the need for support;

“reasonable accommodation” means the necessary and appropriate modifications and adjustments that do not impose a disproportionate or undue burden, where needed in a particular case, to ensure that persons with disabilities enjoy or exercise, on an equal basis with others, all human rights and fundamental freedoms;

“recurring impairment” refers to a condition or impairment that comes and goes, but is likely to reoccur over time and may, during episodes, significantly affect a person's ability to participate fully and equally in academic, social or work life. A recurring impairment may not be present at all times, but it should still be considered a disability when it poses substantial limitations during active phases;

“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;

“visible impairment” and **“visible disability”** refer to a physical, sensory or other condition that is apparent to others through observable characteristics. Examples include the use of mobility aids such as wheelchairs, crutches or prosthetics, limb differences, blindness, as indicated by the use of a white cane, or other physically noticeable features.

4 Policy statement

4.1 The University rejects all forms of 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/grading;
- Remuneration, employment benefits and terms and conditions of employment;
- Job assignment;
- Working environment and facilities;
- Training and development;
- Performance evaluation, promotion, transfer and demotion.

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

4.3 The University Management Committee of the NWU must ensure that any prejudice, victimisation, harassment or unfair discrimination against persons with disabilities does not occur and, where necessary, is dealt with according to appropriate procedures and by means of disciplinary action.

4.4 It is the policy of the NWU to –

4.4.1 ensure a workplace that is free from unfair discrimination on any grounds, including disability;

4.4.2 promote employment equity and diversity in the workplace;

4.4.3 recognise that disability does not diminish the right of employees to be gainfully employed and contribute to the workplace;

4.4.4 ensure that persons with disabilities are treated fairly and provided with equal opportunities at the NWU;

- 4.4.5 implement a comprehensive and ongoing Disability Awareness Programme aimed at promoting understanding, empathy and respect for persons with disabilities among students, academic and support staff, and the wider university community;
- 4.4.6 address the health, safety and working environment of employees with disabilities;
- 4.4.7 create a safe environment in the workplace for employees with disabilities;
- 4.4.8 ensure that the rights of employees with disabilities are fully respected in the workplace;
- 4.4.9 provide employees of the University with a clearly outlined normative framework within which to understand and manage the inclusion and advancement of people with disabilities;
- 4.4.10 where reasonably possible, reintegrate employees who became disabled during employment by exploring the possibility of offering alternative work, reduced work or flexible work placement; and to
- 4.4.11 assist employees with disabilities arising from a work-related illness or accident to apply for 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 administering the policy and providing statistics on people with disabilities.

6 Disclosure and investigation of a disability

- 6.1 An applicant or employee with a disability may choose to disclose an impairment that requires reasonable accommodation by the University.
- 6.2 If a person with a disability chooses not to disclose an impairment that is the cause of the disability, the University is not obliged to provide reasonable adjustments.
- 6.3 Where a disability is self-evident, the University must engage with the person with the disability proactively to determine the nature of the accommodation that may reasonably be required.
- 6.4 Persons 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 responsibility for requesting accommodation where it is required;
 - Take the final decision about the type of accommodation they require; and
 - Accept reasonable accommodation where viable for both themselves and the employer.

7 Confidentiality

7.1 Legitimate purpose

Employees of People and Culture, including those working in NWU health and medical services, may only gather private information about an applicant or employee if it is necessary to achieve a legitimate purpose and if they have the person’s written consent.

7.2 Protection of confidentiality of information

Confidential information relating to a person’s disability may only be shared with NWU members who have a legitimate need to know, specifically to ensure non-discrimination, implement affirmative action, or address safety concerns relating to a particular individual or job.

7.3 Destruction of information, no longer in need

Personal information may only be retained for as long as it is necessary to implement non-discrimination and affirmative action measures, after which it must be securely destroyed in accordance with POPIA.

7.4 Written consent

The University must obtain the informed consent of a person with a disability before collecting information relating to their disability from third parties or external sources.

7.5 Disclosure of information

The University may not disclose any information about a person's disability to anyone without their written consent, unless required by law or if it is necessary to address legitimate health and safety risks, provided such disclosure is limited and proportionate.

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