**Disability:IN Global Directory**

**South Africa**

**Disability Definition**

People who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment.

– long-term or recurring Long-term usually means the impairment has lasted or is likely to persist for at least twelve months. A short-term or temporary illness or injury is not an impairment which gives rise to a disability.

– recurring impairment is one that is likely to happen again and to be substantially limiting.

– progressive conditions are those that are likely to develop or change or recur (people living with progressive conditions or illnesses are considered as people with disabilities once the impairment starts to be substantially limiting)

An impairment may be physical or mental. ‘Physical’ impairment means a partial or total loss of a bodily function or part of the body. It includes sensory impairments such as being deaf, hearing impaired, or visually impaired and any combination of physical or mental impairments. ‘Mental’ impairment means a clinically recognised condition or illness that affects a person’s thought processes, judgment or emotions.

An impairment is substantially limiting if, in the absence of reasonable accommodation by the employer, a person would be either totally unable to do a class of jobs or would be significantly limited in doing the particular class of jobs. This should be determined by considering the nature, extent, duration and impact of the impairment as well as the essential functions of the class of jobs in question.

“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”

(PDF) The development of disability-related employment policies in the South African public service.

**Legislation**

The national constitution’s chapter two, “bill of rights” explicitly prohibits unfair discrimination against people on the basis of disability or health status.

Employment Equity Act, No 55 of 1998, Prevents Unlawful discrimination in employment to incude people with disabilities

The Skills Development Act is a significant piece of legislation as it “recognizes people with disabilities as one of the target groups for the purposes of skills development and advancement in the workplace”. This Act empowers people with disabilities to participate in learnership programmes and thus creates the opportunity of skills development and possible employment.

Ratified UN Convention on Rights of Persons with Disabilties on 30 November 2007

**Employer Requirements**

Every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice.

To achieve employment equity, a designated employer must– a. consult with its employees as required by section; b. conduct an analysis as required by section; c. prepare an employment equity plan as required by section; and d. report to the Director-General on progress made in implementing its employment equity plan.

Employment Equity target of 2% of your workforce comprising Persons with Disabilities.

The obligation may arise at any of the different stages in employment when an applicant or employee voluntarily discloses a disability related accommodation need or when such a need is reasonably self-evident to the employer. Employers must also accommodate employees when work or the work environment changes or an impairment varies which affects the employee’s ability to perform the essential functions of the job. The Technical Assistance Manual (Republic of South Africa, 2005) assists employers with regard to reasonable accommodation. More details are also available in the Code of Good Practice on Disabiltiy in the Workplace

“Disability information status may be requested during Application stage:

• yes, if the applicant has given consent to the data collection and processing in terms of the Protection of Personal Information Act

• during the application phase this information should not be used to disqualify a person from employment, unless the inherent requirements of the job so demand or it is in line with the employer employment equity goals and does not constitute unfair discrimination

After offer has been made or After employment commences:

• yes, if the employee has given consent to the data collection and processing in terms of the Protection of Personal Information Act

The Protection of Personal Information Act has yet to come into force (other than the provisions relating to the establishment of the regulator). The date on which it will come into force is not known. Until then the applicant or employee should at minimum be given the option to complete this field.

**Accessibility Requirements**

“National Integrated ICT Policy White Paper: “”Accessibility”” means Services, devices, infrastructure and content must be accessible for all sectors of the population, including persons with disabilities, so that all can equally enjoy and benefit from

communication services. Long process, but appears to moving into formal law. In the White Paper, standards will be developed to ensure ICT access for person with disabilities using the CRPD defintiion of disability: Persons with disabilities include those 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 (UNCRPD).

Draft Code of Regulations for Persons with Disabiltiies. “Accessibility” means the ability by person with disabilities to equally access and benefit from broadcasting, telecommunications and postal services (including basic services in terms of Schedule 1 of Postal Services Act (Act No. 124 Of 1998);

**Cultural Norms**

The separate special schools policies of the Apartheid era created a system of schools for children with a wide variety of disabilities. As with the general population these schools were also racially segregated. With the abolition of apartheid came a policy shift towards inclusive education – the proportion of people with disabilities in South Africa who had achieved a university degree had risen from 0.3% in 2002, to between 1% and 2% in 2014.

In South African employment law, “designated groups” means black people, women and people with disabilities.

**Insights**

7.5% of the country’s population is regarded as having a disability.

Employment equity exists in legislation, policies and programmes that have been put in place by government to promote disability equity although in practice falls far short as people with disabilities in South Africa are considerably more likely to be unemployed.

68% of working-age South Africans with disabilities had never attempted to seek employment

**Supplier Diversity**

Certification is in place for women-owned business enterprises (WeConnect).

Certification is in place for LGBT-owned enterprises (NGLCC Network: PLUS)

**Talent Sourcing Resources**

[QASA (QuadPara Association](https://qasa.co.za/)) strives to prevent spinal cord injury, as well as protect and promote the interests of people with mobility impairments by formulating a national policy and strategy, to develop and ensure the full potential and quality of their lives. https://qasa.co.za/ QASA’s Employment Project activities involve building an, updated and comprehensive database of people with disabilities and their skills. CVs are stored on the QASA CV database and QASA engages with employers and recruitment agencies to ensure opportunities for our members on the database.

[Employment Solutions for People with Disabilities](https://www.disabilityemployment.co.za/)

[DWDE](https://www.dwde.co.za/) is one of the leading players in the disability employment support services arena and offers a one-stop solution to positively address learning and employment opportunities for South Africans with disabilities to become integrated into the workforce.

**Additional Resources**

[Southern Africa Federation of the Disabled (SAFOD](https://grassrootsjusticenetwork.org/connect/organization/southern-africa-federation-of-the-disabled-safod/)), disability-focused network engaged in coordination of activities of organisations of Persons with Disabilities in the Southern Africa region.

[African Disability Forum (ADF)](https://africandisabilityforum.net/) is the membership organization of organizations of persons with disabilities (DPOs) in Africa. On Facebook @adf4africa

[African Disability Alliance](https://www.internationaldisabilityalliance.org/african-disability-forum): Mission is to be an African knowledge-based organisation that works in partnership with the AU, UN, African governments, CSOs, Academia and DPOs to promote inclusive development and human rights for persons with disabilities.

[The Deaf Federation of South Africa (DeafSA](https://disabilityconnect.co.za/deaf-federation-of-sa-deafsa/)) acts as the national research, information and community action organisation on behalf of ± 1.5 million South Africans that are culturally and linguistically Deaf , hard of hearing and Deafblind.

**References**

[White Paper: Integrated National Disability Strategy](https://www.gov.za/sites/default/files/gcis_document/201409/disability2.pdf)

[The development of disability-related employment policies in the South African public service](https://www.researchgate.net/publication/301678632_The_development_of_disability-related_employment_policies_in_the_South_African_public_service)

**NGOs**

[TWKB Talent Centric](https://www.talentcentric.co.za/) – Professional services consulting company that provides strategic advisory, talent management, outsourcing, training, and support to an array of clients