Towards an inclusive South African state

The role of equality and human rights in promoting equal opportunities for persons with disabilities in the workplace

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ABSTRACT

The practice of democratisation at the centre of development in South Africa has brought about dual impacts of change. Diversity within South African societies has increased challenges facing the state. While emphasis has been continually placed on promoting processes of transformation, there has simultaneously been a challenge of deceleration in state developmental practice during pursuits of social change in working environments. Persons with disabilities continue to be secluded, regardless of increased pressure for inclusiveness in workplaces.

Diversity in employees as an inevitable element of social groupings has surfaced as a precept of both strengths and challenges to organisational structures in private and public organisations. In light of diversity in public organisations, the primary focus nonetheless remains fixated on the divisions etched in the workplace as a consequence of disablism, in particular. Persons with disabilities have been pinpointed as one of the targets of exclusion, continuing to be undermined in their contributions to effective organisational practices. To transform organisational attitudes affecting persons with disabilities and embracing diversity, attention is to be directed towards the application of principles of equality and human rights in creating enabling environments that are inclusive of persons with disabilities.

The article reviews the concept of disablism as a societal phenomenon affecting persons with disabilities in organisations. Furthermore, the principles of equality and human rights are explored in terms of their contribution to diversity and an enabling environment in the workplace.

INTRODUCTION

South Africa as a democratic state has since 1994 been predominantly shaped by increased changes in practices and institutional processes with the aim of promoting transformation and overall diversification. Diversity, however, as an evident characteristic of democratic South African societies is not primarily considered in a positive frame of reference. Inconsistencies in the implementation of diversity have predominantly prevented the acceptance and recognition of all individuals in society as well as in the workplace. Diversity has, in practice, brought about increased divisions due to a lack of acknowledging differences amongst the citizenry that are associated with the results of unequal distributions in opportunities (http://smallbusiness.chron.com/examples-diversity-problems-workplace-19389.html).

The rights of persons with disabilities consequently continue to be infringed based on the difference and perceptions attached to levels of their abilities and contributions to society or organisational settings in the public sector. Increased fractures in the acknowledgment of diversities in employment practices along with segregation have nonetheless placed persons with disabilities at a disadvantage in view of enabling them with equal opportunities (Naidoo, Maja, Mann and Sing 2011:27).

In hindsight, the work environment remains depictive of social construction in societal groupings that are characteristic of dimensions relative to limited inclusiveness of persons with disabilities. Acceptance of differing norms, values and cultures are pinpointed as strengths of diversity in their promotion of tolerance. However, the challenges posed by diversity, on the other hand, are associated with increased divisions in workplace environments, placing discriminatory employment practices and democratic principles under scrutiny (Naidoo, *et al.* 2011:28). In view of the challenges brought about by diversity, emphasis is directed toward the creation of susceptible and inclusive environments (Washington 2008:4). An inclusive organisational environment that is based on uniformity in personnel approaches is required. This environment should be dependent on an agreement to the norms and standards prescribed in the South African Constitution (Van der Westhuizen and Wessels 2011:33). Hence, the directive of an environment that is susceptible to equal opportunities is contemporarily geared toward incorporations of equality and human rights as a platform in democratic employment practices. However, in light of persistent dislodged democratic principles, persons with disabilities continue to be stigmatised at the forefront of discrimination in organisations (Marumoagae 2012:347). The discriminatory effects of dislodgments in democratic principles on persons with disabilities have subsequently necessitated a review of the goals associated with democracy.

In light of democratic practices in South Africa, human rights and equality come to the forefront with respect to the representation of persons with disabilities in the workplace. The role of both equality and human rights is becoming increasingly essential in promoting the integration of diversities in public organisations. Attention is drawn to the facets of democracy to be applied in the workplace to assure greater reflections of persons with disabilities (Rupp 2013). In view of the diversities that classify the workplace and the complexities associated with and attached to persons with disabilities, there is a requirement that the term 'disability' be defined.

DEFINING DISABILITY

The term 'disability' is characterised by a number of influences that depict the concept as complex in nature. The complexity and variation in disabilities have led to difficulties in the determination of a single and precise definition being associated with the concept. The nature of disabilities has resulted in an inability to define disabilities in a universal and comprehensive definition. The inability to define disabilities in a single frame of reference thus acknowledges that a universal definition would prove impractical owing to varying definitions and descriptions that classify the particular concept (Love and Carter 2011).

According to the Disability Discrimination Act of 1995 of the United Kingdom, a person with a disability is defined as an individual who"…has a physical or mental impairment…" that has produced substantial and long-term adverse effects on his or her ability to perform routine tasks (Equality Commission 1995). *The Equality Act of 2010*, however, extended the definition put forward by the *Disability Discrimination Act*, envisaging that the adverse effects reflective of individuals with disabilities are inclusive of limited capacities such as mobility, speech, or hearing (HM Government 2011). Similarly, the initial definition of disability by the *World Health Organisation* (WHO) defines a disability in light of covering impairment and restrictions in participation in cognisance of the interaction between an affected individual's body and features of the physical environment (World Health Organisation-Geneva 2002). The complexities characteristic of disabilities (inter alia the type, degree and intensity of a disability) have challenged the possibility of utilising a universal and basic definition.

The United Nations defines a disability as any form of restriction or the lack in ability to perform an activity (due to impairment) in a way or within the range considered normal. From this definition, disability is no longer primarily defined and understood in relation to the physical environment but also as a social construct. Social construction, however, results in disability being defined in a subjective manner. This definition is further influenced by the perception that the severity of disabilities can be distinguished from each other on two opposite ends of the spectrum. A social construct thus results in a grey area where "invisible" impairments are unacknowledged (Kaplan 2000:352).

The WHO has extended its definition of disabilities, moving away from the view that a disability is solely impacted by the physical environment. The WHO has thus structured its extended definition to incorporate the contextual variable. This contextual variable is inclusive of the dynamism of disabilities in respect of the time factor and in relation to circumstances that arise from the environments. This standpoint of the WHO acknowledges that disabilities are predominantly founded on the interaction that occurs between the 'disabled' individual and the institutional, economic and social environments, in addition to the physical environment. The perspective taken by the WHO reinforces the view that a disability goes beyond the physical concomitant with the determination of environmental relationships which are prevalent in the social and economic arenas (http://www.who.int/topics/disabilities/en/).

As a result of the prevalence of these environmental relationships, the performance of the disabled individual is simultaneously determined in relation to facets of the various environments (that is, the physical social and economic environments). The position of the disabled person has thus been shaped by elements of customs, values, beliefs, behavioural

patterns and traditions which surface from the environments as well as the institutional arrangements imposed on persons with disabilities by societies (Swain, French and Cameron 2003:21).

Definitions of disability are being adapted to emphasise the dependence of the concept on the environment. Momm and Geiecker (2006:1–2) similarly maintain that the meaning and influence of disabilities have been transformed in relation to the abilities of the environment and the attitudes of the public to accommodate a disability (**http://www.ilo.org. safeworkbookshelf/english?content&nd=857170192**).

A disability is now understood as a social concept. Persons with disabilities are no longer considered as individuals with a dysfunctional attribute, as depicted in previous definitions. Disabilities are now considered in terms of the dysfunctional attribute in relation to the environment. From this point of view, emphasis of the concept of disability is diverted toward the compliance of the environment and society in supporting persons with disabilities rather than limiting the individual. In this instance, the environment and society have been pinpointed as mechanisms for enabling and rather empowering individuals through support and facilitation in contrast to former limiting tendencies (**http://www.disabled-world.com/ definitions/disability-models.php**).

Hence, a homogeneous definition for disabilities has proven to be a challenge due to the nature and degree of disabilities. The challenges are evident as each person with disability/disabilities has a different limitation with an additional differentiation in the degree of the limitation. The concept of disabilities remains heterogeneous as the characteristics of a disability and its overall interaction with the environmental factors primary determine the appropriation of the most fitting definition of a disability. Therefore, it is pragmatic that each disability is analysed and thus defined individually in an objective manner that prevents social exclusion, promotes the optimal integration of persons with disabilities into the facets of the various environments and supports persons with disabilities in respect of institutional arrangements generated by the environment (**http://www.ilo.org/safework_bookshelf/english? content&nd=857170192**).

The heterogeneous nature of the disability concept has promoted increased elements of diversity and complexities within the workplace. The organisational cultures of workplaces in South Africa are faced with diverse challenges regarding the full inclusion of their human resources component. Disabilities subsequently pose dual implications. Persons with disabilities are implicated by limitations as a result of the lack of a holistic enabling environmental framework. Persons with disabilities are often excluded from fair and equal employment opportunities while employers face challenges of diversity in the organisational environment, consequently failing to evaluate the diverse nature of disabilities in particular. From this implicate perspective, failure in acknowledging the degree of disabilities, inter alia, the strengths, skills, knowledge and expertise of employees with disabilities, has had a direct influence on the practice of disablism (Cappeliez and Flynn 1993:260–261).

DISABLISM

According to Thomas (2007:73), disablism is "...the social imposition of restrictions of activity..." that is placed on persons with impairments. In addition, disablism involves the

destabilisation of the psycho-emotional well-being of persons with disabilities through stimulation by societies. Moore (2012) notes that a small percentage of the individuals that constitute society are the founding contributors to disablism. The manifestation of preconceptions and attitudes from individuals regarding the performance of activities by persons with disabilities are in effect characterised as limiting and obstacle-forming. Nonetheless, these perceptions and attitudes regarding persons with disabilities have spread across institutions and organisations, including South Africa. However, legislation and policy frameworks have provided an account of the platform on which disablism has been based and to target disablism and overcome the discrimination of persons with disabilities. *The Draft National Disability Policy of South Africa* (2010:20) acknowledges practice of disablism in South Africa as the exclusion of persons with disabilities in mainstream societal practices, including the discrimination against their "…fundamental social, political and economic rights and opportunities". *The White Paper on Integrated National Disability Strategy* (1997:80), however, targets the dissolution of disablism in South Africa, focusing on the value and importance of society changing its discriminatory attitudes toward persons with disabilities holistically at both a communal as well as a systematic institutional level.

The Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000) (2000:6) reinforces the necessity of eradicating the barriers of disablism in South Africa. *The Promotion of Equality and Prevention of Unfair Discrimination Act* (2000:9) goes on further to incorporate the value of public awareness and accommodation of persons with disabilities in society as a means of disabling attitudes and resolving disablism that is conditioned by barriers of discrimination. The assumptions arising within organisations regarding the abilities and performance of persons with disabilities are imposed onto this affected group in the form of benevolent discrimination and associated exclusions from empowerment and equal opportunities in the workplace. Hence, through disablism, social and economic oppression have been directed toward persons with disabilities by means of subtle intentions that are imposed on them with disregard of the effect and consequences which the intention places on them in terms of the democratic principles of equality and human rights (**http://ezinearticles.com/?Disablism-and-Attitudes-Toward-those-with-Disabilities&id=209352**; Goodley 2011:8).

As a consequence of disablism, persons with disabilities have been forced to acknowledge their position in the workplace. The recognition of the relative external structures and interaction in organisational structures is deemed necessary in overcoming elements of discrimination and oppression (Lang 2001:6). While legislation and policy frameworks are not effective in entirely overcoming disablism in South Africa, structuralism surfaces as a major factor in overcoming disablism in the organisational setting and in recognising the external structures that influence persons with disabilities. Structuralism plays a role in reflecting on issues of disability and in disabling attitudes of society. Human resource managers are now consequently obliged to align human resource practices and policies with transformation initiatives (Van der Westhuizen and Wessels 2011:36). Structuralism is thus utilised to address the public issues that are organised not only at a communal level, but also at an organisational level. Structuralism in turn enables persons with disabilities to target the adversities associated with disablism through social action that effectively promotes their inclusion in both society and the workplace (**http://www.essex.ac.uk/sociology/documents/pdf/ug_journal/vol8/2012sc111_fayerathe.pdf**).

EQUALITY

In the socio-political context of democracies, the participation of citizens in shaping societies is fundamental as a prerequisite for well-functioning democracies. The foundations for well-functioning democracies are grounded in the elementary interests of citizens as members of a political society. Equality in political rights is highly dependent on the principle of equality in advancing the interests of its citizens (Weller and Nobbs 2010:570). Equal rights to freedoms in democracies are centrally based on an equal importance of each citizen's fundamental interest. Hence, there is no just claim to the advancement of citizen interests in an equal manner in democracies as a result of the absence of an equal say by citizens in shaping their institutions (Christiano 2008:12).

Gosepath (2011) acknowledges that there is an element of diversity evident in the term 'equality'. The evidence of diversity in equality promotes an impact on equality in practice. Gosepath suggests that the prescriptive nature of equality incorporates dual concepts inclusive of descriptive and normative effects on employees in organisations. In the former instance, descriptions have proved to be a necessary requirement in terms of the application of the principles of equality in managing the diverse employees to whom equality applies in organisations as a result of social groupings (Mathis and Jackson 2009:55). Similarly, in the latter instance, moral and legal rules stipulate the specifications classifying the groups to which each moral or legal rule individually applies. Equality has come to incorporate a denotation of the relations and comparisons between two or more objects. Comparisons are thus representative of variations in the concept of equality. In practising effective equal employment opportunities, pressure is placed on organisations to look beyond the requirements in terms of philosophical departures and laws associated with equal opportunities, and focus on efforts on managing employees in relation to the legal requirements (Mathis and Jackson 2009:48). Hence, the concept of equality is not unified in its meaning, remaining diverse in its utilisation and highly dependent on the applicative nature or specification of the concept on the societal and organisational platform in the management of diversity (Gosepath 2011).

Equality is a complex phenomenon, associated with specificity of social groupings as a result of social categorisation that diverge from a unity. From a generic approach, persons with disabilities who strive for equality are (in practice) characterised by diverse perspectives that necessitate each case aiming for equality be moulded individually (**http://www.bufetat. no/bufdir/deltasenteret/Veiledere/Trends-in-Universal-Design/2-From-accessibility-to-inclusion/ An-ethical-perspective/**).

Organisations should adapt to generic approaches for their employees in promoting equal opportunities and creating enabling environments in workplaces. The variance depicted within social groups in addition to diversity between social groups in workplaces leads to complexities in equality. Organisations have to provide opportunities and analyse the abilities of employees individually to ensure equal treatment of employees (**http://disability-studies. leeds.ac.uk/files/library/Shakespeare-social-model-of-disability.pdf**). Thus, the generic approach to the application of principles of equality is applicable in ensuring more equal opportunities and inclusion of employees. From this point of view, differences in a single group are evident where individuals strive for different perspectives depending on the individual case (UNICEF 2013:3). That is, persons with disabilities do not remain dispositional to a single perspective

on disability, but rather strive for perspectives in relation to the nature of the disability. In addition to groups of employees with disabilities differing in abilities, the degree to which equality is mainstreamed by persons with disabilities in the workplace is additionally met with variance toward their pursuit for equality (Witcher 2005:1).

The distribution of goals for equality is diverse and remains dependent on conditions of freedom. The dependency of persons with disabilities on conditions of freedom depicts an occurrence comparable to progression in equal rights and opportunities for these individuals. Under conditions of freedom, a greater range of diversity is in turn facilitative of a direct influence on greater elements of freedom and equal opportunities (Cornelius 2002:39). The pursuit for equality by employees with disabilities is shaped by the theory on natural diversity. The theory on natural diversity highlights the components of diversity among individuals, while simultaneously strengthening proportionality and evenness in the workplace. Natural diversity encapsulates elements of an enabling environment for persons with disabilities despite evident diversities among the workforce (Chen 2012:8–9).

Natural diversity thus contests the exclusionary effects of social categorisation and discriminatory practices against persons with disabilities. In turn, it contributes to the formation of a standardised platform for the enablement of all citizens. Persons with disabilities, as members of a particular social group created by social categorisation, have been criticised in a 'disablist' society for having an inability to function effectively socially and independently as citizens while receiving the same entitlements to rights and expectations as abled citizens (Thomas and Woods 2003:47). This critique of persons with disabilities has extended into the employment environment. Employees with disabilities are often excluded from opportunities based on preconceived ideas of their abilities to function in organisational settings. This criticism is, however, questionable as full and equal social rights and citizenship of persons with disabilities remain highly dependent on their functional participation in society and consequently the realisation of their equal citizenship (Clear 2000:168–169). The criticism of assumed entitlements thus creates an attitudinal barrier with direct effects of discrimination against and oppression of persons with disabilities.

Although social categorisation forms an integral part of social relationships within societal contexts, incorrect social categorisation increases discriminatory processes owing to the promotion of irrelevant characteristics in an uneven manner. Therefore, shortcomings in social categorisation procedures generated by dominant social groups in society are similarly restrictive in the various environments, causing inequalities via arenas of under-representation in social, political and cultural contexts (http://www.psych-it.com.au/Psychlopedia/article.asp?id=75). Under-representation of persons with disabilities (an historically oppressed group) in employment is suggestive of discrimination which limits the life and economic pursuits of this group of individuals. Discrimination and unequal treatment of persons with disabilities in organisations are aware of disregard of diversity and uneven distributions of opportunities and fairness leading to detrimental effects on freedom and working conditions (http://www.apa.org/pubs/info/reports/promoting-diversity.aspx). Weaknesses in social categorisation have been highlighted as ineffective in the even distribution of equal values and statuses. Hence, the limits and labels associated with the weaknesses in categorisations have resulted in a total rejection of categorisations with the aim of promoting more evenly distributed values and statuses among individuals. (Chen 2012:9; Witcher 2005:4). Christiano (2008:17) states that "…human persons have equal moral status". Through this statement, Christiano emphasises

that the status of humanity is predominantly derived from the realm of surrounding values. Equal statuses of citizens are subsequently founded on the premise that every citizen is characterised by the same basic authority as that on which democratic values are essentially based. It is thus contestable that the inequalities and lack of equal opportunities attached to persons with disabilities are posed as discriminatory (IDA 2011:1).

The basis on which persons with disabilities are discriminated is criticised as being based on differences in abilities and primarily due to differences in external circumstances and not differences in capacities or value systems (Christiano 2008:17–18). The consequence of failing to institute equal opportunities for employees in the workplace has mandated human resource managers to create an organisational climate of multi-culturalism. Emphasis in organisations has been directed toward human resource managers accepting and embracing the value of differences among employees in the promotion of equal opportunities in the workplace (Cornelius 2001:30).

While democracy and liberalism are essential contributors to the principle of equality, elements of democracy and liberalism are similarly founded in justice. Justice is conceptualised as the realisation of equality in institutions and in interactions among individuals. Social justice in the South African employment environment requires the reinforcement of human rights (Christiano 2008:46–47).

HUMAN RIGHTS

Human rights are dynamic in nature and have evolved as a consciousness of privileges for the citizenry. The significance of human rights has evolved as a preconception of the citizenry in democracies. A 'right' is characterised as a 'valid claim' that is endorsed by a wider group. While the validity of a right as a claim is maintained in respect of liberty, the endorsement of a right as a valid factor in society enables citizens in their interaction with the environment (Feinberg 2014:157). Citizens are enabled to be agents in changing the moral, political or legal situation for themselves and others. The analysis of rights as claims thus implies a potential for the enforcement of rights. Theorists, however, suggest that the analysis of rights as entitlements is more fitting in comparison to claims. Whereas a claim promotes the legitimate interest of an individual in society, an entitlement rests upon objective moral considerations that provide normative grounds for citizens as a collective (Vincent 2010:14–15; Botha and Van der Walt *et al.* 2003:23–24, 94, 99).

A human right, in terms of the law, is initially retained as a good idea until it is formally recognised by the government and before the idea is accepted and established as a human right (Stearns 2012:2–3). In pursuit of the value of human rights, the determination of their position or the discourse in which the concept is practised is necessary as a point of departure. Human rights are classified into moral, legal and political categories. Human rights are justified in acknowledgement of a particular norm (Vincent 2010:23; Freeman 1994: 492). The constitution of human rights is primarily dependent on the acceptance of moral values and beliefs pertinent to the social arrangement. The Bill of Rights sets the tone for the underpinning of and practice of human rights in South Africa. The Constitution of South Africa (Act 108 of 1996) dedicates a chapter to the rights of citizens (Bill of Rights). It is in this chapter, in section 9 and 10, that persons with disabilities are taken into cognisance as

the unfair discrimination of categories of persons (including persons with disabilities) and the respect for human dignity of citizens are put into perspective. The provision of procedural guarantees implied above by the authoritative institutional arrangements presupposes the pre-existent legal foundation for the application of human rights in organisational contexts. Although identification of a legal conception enables specific rule-structured institutions such as the public sector and private companies to create remedies and processes for the respective organisational structures, shortcomings are found in the enforcement and effective practice of rules of law (Vincent 2010:23–24; Clements and Read 2008:14).

The entitlements of employees that are applied within the constitutional framework of South African institutions and companies surface the arenas of politics. From this point of view, the assertions of rights by employees in sovereignties occur on a structure of human relations depicting hegemonic power (Conteh-Morgan 2001). Political influence is encompassed in conflict and competition between employees in terms of norms, interests and desires (primarily democratic rights). In mediation of political influences, employees with disabilities are enabled and gain recognition in realising their powers and abilities in relation to abled employees. Acknowledgment of varying interests and pluralism within democracies envisages equality of rights amongst citizens as there is similarly a mutual recognition of interests between employees (Vincent 2010:25). While human rights are constitutionally enshrined to be protected by the law, a distinction between personal fundamental (individual) rights and social rights is required as a result of political influences. Individual rights refer to the freedom and equality of each individual in safeguarding or securing themselves in independent action against state intrusions. Social rights, on the other hand, are much broader in the sense that they afford individuals and groups a greater opportunity to take action in safeguarding their rights and in impacting policy formulation (Kruger and Currin 1994:70,74).

Hence, in democracies the components of human rights come into play as elements of liberty and equality are reinforced. The notion of human rights aims to eliminate elements of exclusion in organisations as every employee is guided toward the realisation of all freedoms in exception of the freedoms of others (Kent-Brown 2003:150–151).

The human rights approach provides an inclusive framework for including persons with disabilities in working environments. Within the approach, acknowledgment is given to the realisation of the freedoms of all individuals, amongst which liberty and equality amongst individuals are reinforced (UNICEF 2015). Recognition by the human rights approach is enabling in the documentation and validation of perspectives of disabled individuals. The paradigm affirms that persons with disabilities are not to be categorised as 'other'. The paradigm goes on to assert that persons with disabilities fall within the category of what is considered human, and as such are entitled to all rights derived from the associated category. Through organisational policies employees with disabilities are now provided with a means of redefining themselves personally and professionally in contention for alternatives to the status quo, offering an alternative vision of possibility for greater inclusion of employees with disabilities in workplaces (Condrey 2010:324; Clements and Read 2008:4).

The adoption of a unified and normative platform for all citizens against norms set by global consensus and law not only promotes perspectives of inclusion for persons with disabilities in the workplace but also raises a point of universalism. Universalism establishes an impartial standard for different individuals and groups of society. The impartial standard

imposed by universalism encapsulates the political issues brought about in the global context. Universalism, however, recognises the application of distributive justice in relation to human rights. The recognition by universalism acknowledges the global concept of preventing extreme minority groupings of persons with disabilities and promoting the manifestation of their human rights with mainstream entitlements (Clements and Read 2008:4; 6–7).

In terms of the global context, the theory of universal human rights is challenged as a result of diverse cross-cultural and intra-cultural characteristics of individuals and groups of societies globally. While universal human rights in practice apply principles of distributive justice for the inclusion of minority groups globally, the characterisation of universalism as an ideal theory proves ineffective. The ineffectiveness of applying universal human rights as an ideal theory is due to the failure to envisage the diversity among countries globally (**http:// www.pulp.up.ac.za/pdf/2006_05/2006_05.pdf**). The application of universal human rights as an ideal theory is at a further disadvantage as it fails to take into consideration the individual elements and characteristics, which uniquely distinguish countries from each other within the global arena. As a result of the restrictive nature of the ideal theory, the non-ideal theory has been considered more fitting for the human rights approach. The non-ideal theory offers the human rights approach mechanisms for movement from unjust arrangements to more just arrangements (Ackerly 2008:43).

The non-ideal theory additionally goes on to accept the implication of historical legacy that shapes countries with hindsight of the degree and nature of global injustice together with human rights violations that may arise in institutions of employment. In contrast to the ideal theory, the non-ideal theory refrains from limiting human rights to generalities amongst countries (Arvan 2008:16–17). The non-ideal theory views each country independently, effectively taking the unique impact of historical influences into consideration. The non-ideal approach promotes reflections on political theories that provide an overview and understanding of past experiences regarding oppression and resistance that typify each country exclusively in relation to their political histories. Hence, human rights theory can be assimilated with a non-ideal approach of justice that is shaped by injustices and challenges as a result of former struggles of individuals and their communities, and people against their oppressions. Injustices and challenges that are a classification of political histories create a platform for remedying human rights' violations in the workplace which are brought about by historical aberrations or potential concerns of injustice (Ackerly 2008:45).

In light of the historical background of South Africa, it is concurred that shortcomings in the South African government and public administrative environment are relative to practice and application. While diversity is a fundamental characteristic of South Africa, the reflection of all citizens and their rights in the country becomes increasingly difficult to achieve. While it is deduced that South Africa has legislation and policies in place to promote democracy and fairness, exclusion and discrimination are still evident. Persons with disabilities remain excluded from opportunities owing to disablism and disabling workplace attitudes that are classified by perceptions capabilities of persons with disabilities. Hence, although legislation and policies that acknowledge disablism and target discriminatory practice are in place, increased pressure is placed on the South African government in terms of monitoring and evaluating the application of legislation and policies. The infringement of the human rights of persons with disabilities and the practice of disablism in the workplace remains evident, thus placing the concept of equality in South Africa under the spotlight.

CONCLUSION

In conclusion, while diversity is an inevitable element of a democratic South Africa, segregation has produced detrimental effects on the principles of democracy, with specific reference to working environments. Persons with disabilities have been influenced by segregation in the workplace, with entrenched exclusions from opportunities. The position and role of equality and human rights have come to the forefront as the foundation for greater representation and inclusion of persons with disabilities in the workplace. Increased pressures have been placed on human resource managers to emphasise and focus on the democratic values present in organisations. Attention on equality has depicted the essential basis of equal treatment of all employees in organisational settings and all citizens in societal contexts. The role of human rights in the workplace is based on the social arrangements to be found in organisations and societal contexts as well as the remedying of exclusionary practices submerged in organisations.

Hence, human rights place a reformatory role in forging the inclusion of persons with disabilities with greater weight being allocated to the enforcement of constitutional rights with respect to the representation of persons with disabilities (Karp 2014:5). The values and principles from which equality and human rights stem are instrumental in acknowledging the varying interests presented in workplaces while promoting the uniqueness and complexity of each disability presented in the workplace. Principles of equality and human rights play a sustaining role in disintegrating the limiting effects of disablism within the workplace and society. The disintegration of 'disabling attitudes' now enables the acknowledgment of persons with disabilities on the basis of their contributions, instead of according to perceptions associated with their capabilities. Thus, the correct practice of equality and human rights is depictive of a working environment inclusive of persons with disabilities and pertinent to equal opportunities amongst all employees.

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