

A STRATEGY FOR THE  
EMPLOYMENT OF PERSONS WITH DISABILITIES

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## APPRECIATION

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## SUMMARY

South Africa was actively involved in negotiations of the International Convention on the Rights of Persons with Disabilities and its Optional Article and signed both treaties on the day that they were opened for signature on 30 March 2007. Ratification of these treaties introduces a binding commitment on the government to implement its determinations. The Convention and, by implication, South Africa as a signatory recognise the right of persons with disabilities to work on an equal level with others.

The Employment Equity Act, 1998, which has been in force for 12 years with limited success, determines that persons with disabilities are a designated group to be affirmed in the workplace. The problem is that even with the protection provided by the Act the trends in employment of persons with disabilities in South Africa indicate that fewer persons with disabilities are employed while the employment of the other designated groups is improving. This can be ascribed to real and perceived constraints that unemployed persons with disabilities experience in South Africa. Therefore, in view of the signing of the Convention by South Africa, a national generic human resource management strategy is required for the enhancement of the employment of persons with disabilities in organisations.

The main objective of this research was to identify the constraints to the employment of persons with disabilities, and to develop an integrated human resource management strategy to enhance the employment of more persons with disabilities in South African organisations. The development of this strategy was based on the constraints experienced by persons with disabilities in finding employment.

The quantitative research design was applied when a purposive sample of eighty-four (84) knowledgeable persons in this field (persons with disabilities, managers and human resource management and labour relations practitioners with experience in appointing persons with disabilities) were surveyed with a semi-structured Likert-type questionnaire to determine the constraints. The questionnaire was specifically constructed for this purpose adding breadth to the research. The questionnaire also included a number of open-ended questions to add the required depth to the data.

Descriptive and inferential statistical methods were used to analyse the participants' quantified scores. The qualitative method of Content Analysis (ATLAS.ti) was applied to further identify categories and subcategories of constraints. From the results, the most significant constraints that inhibit the employment of persons with disabilities were identified. These constraints are as follows:

- The definition of “people/ persons with disabilities” for employment purposes is a constraint because it is vague and words used in the definition are unclear.
- Accessibility and reasonable accommodation are serious constraints for persons with disabilities as it prevents them from participating on a more equal footing in the workplace.
- Disability is viewed in terms of function and social labelling rather than in terms of its relationship to the quality of life of persons with disabilities.
- The Constitution, 1996, EEA, INDS and TAG are not sufficiently useful to manage disability in the workplace.
- The South African legislative and policy framework were hardly ever used to assist with disability management.
- Reasonable accommodation and environmental accessibility are not clearly described in policy guidelines.
- Organisations lack focus on the employment of persons with disabilities.
- Unfair targets to employ persons with disabilities as they are continuously disabled.
- Respondents identified the following general perceptions as constraints:
  - Employees with disabilities are not able to do physically strenuous work.
  - Employees with disabilities require special attention from their supervisors.
  - Employees with disabilities are more expensive to employ than any other employee.
  - Employers are not willing to employ persons with disabilities.
  - Workplaces are not friendly towards disabled persons.
  - A CV indicating that a job applicant is disabled is not properly considered by organisations.
  - Organisations ignore disability management issues because it conflicts with business objectives.

- Organisations encourage managers to ignore disability issues because it conflicts with business objectives.
- Organisations do not have approved and clear written policies or guidelines on employing persons with disabilities.
- Existing policy or written guidelines are not utilised to guide disability management related decisions at work.
- Organisations do not have a disability office or a disability ombudsman to whom employees can report suspected discrimination or receive advice about disability issues.
- HR departments do not act as the primary resource for the disability initiative of organisations.
- HR professionals are not involved in formulating disability management policies for their organisations.
- Individuals responsible for managing the disability programme in organisations are not qualified and experienced for the task.
- Employees do not know who to contact when requiring information on disability management.
- The following key people in organisations are not sufficiently committed to disability management:
  - CEO/Director-General/Top Management.
  - Senior management.
  - Middle management.
  - Subordinates.
  - Peers.
  - Other employees.
- Lack of a focused strategy to recruit persons with disabilities.
- Training and development practices are not effectively presented to all employees resulting in it being a constraint due to the following:
  - Lack of awareness of disability management.
  - Training provided in disability management is not being used by the persons trained.
  - Persons with disabilities are not empowered to assert their rights in terms of disability management.
  - Work environments do not prioritise disability management.

- Disability management is not linked to the performance indicators of all managers at all levels.
- Performance management practice is inadequate in respect of persons with disabilities resulting in it being a constraint due to the following:
  - Effective performance management systems are not in place.
  - Performance management systems do not apply to all employees.
  - Difficulties experienced by persons with disabilities are not understood by employers.
  - Managers are not trained in managing the performance of persons with disabilities.
  - Accessibility and reasonable accommodation impact on the performance of persons with disabilities.
  - Clarity does not exist whether the same or different performance standards must apply to persons with disabilities.
  - Assessments are not conducted objectively by managers.
- Recruitment and selection practices are inadequate and not strategically aligned resulting in it being a constraint due to the following:
  - Adverts are not accessible to persons with disabilities.
  - Adverts do not target persons with disabilities.
  - Selection processes are not seen as a credible by persons with disabilities.
  - Persons with disabilities are not being reasonably accommodated during the selection process.
  - Job design is not considering persons with disabilities adequately to provide for their unique circumstances.
  - Managers and supervisors do not understand disability resulting in deciding not to employ persons with disabilities due to negative perceptions they may have of persons with disabilities.
- Retention and exit management strategies are not utilised in disability management resulting in it being a constraint due to the following:
  - Inconsistent treatment of employees with disabilities and not disabled employees.
  - Reasonable accommodation and rehabilitation of employees who become disabled are not effectively dealt with.

- The reasons why employees leave employment are known but little is done to correct it, resulting in persons with disabilities not being retained.
- Employment equity strategies are not aligned resulting in persons with disabilities not being affirmed.
- Labour relations management strategy is inadequate resulting in it being a constraint due to the following:
  - Human resource management and labour relations practitioners and union officials do not prioritise disability management and the rights of persons with disabilities.
  - The rights and the unique circumstances of persons with disabilities are not recognised resulting in the labour relations processes not providing for persons with disabilities.
- Lack of strategic focus of employers on disability management constrains the employment of persons with disabilities.
- The role of human resource management and labour relations practitioners is not clearly defined in terms of disability management resulting in them not prioritising persons with disabilities as a designated group in terms of the EEA.
- Reasonable accommodation is not clearly defined in the employment context resulting in it being a constraint due to the following:
  - Persons with disabilities are not being reasonably accommodated because employers do not have policy documents in place to guide them in making decisions in providing reasonable accommodation to employees.
  - The perception which exists that reasonable accommodation is costly and would result in undue hardship to employers, is a constraint.
  - Office buildings are generally not disability friendly resulting in a constraint to employ persons with disabilities and those that are employed, not being able to work effectively.
  - Inherent job requirements are generally not defined resulting in persons with disabilities not being employed or being employed in positions not suitable to their specific disabilities.
- Progress with the implementation of disability management programmes are not being monitored resulting in slow progress with implementation and a lack of strategic focus.

Following the identification of the constraints an integrated strategy to manage these constraints was developed. The strategy consists of the following strategic interventions:

- Reword the definition of persons with disabilities to achieve clarity of terms, identification of categories and levels of disability.
- Develop guidelines to the accessibility requirements and reasonable accommodation for persons with disabilities namely:
  - Development of organisational guidelines for reasonable accommodation; and
  - implementation of the NBR by employers.
- Initiate workplace programmes which cause disability to be viewed in terms of the quality of the life of a person with disabilities.
- Create awareness of the legislative and policy framework.
- Enforcement of the implementation of the legislative and policy frameworks by top management.
- Develop a human resource management framework to employ persons with disabilities.
- Set fair and equitable employment targets for persons with disabilities.
- Develop a business case for employing persons with disabilities.
- Establish a disability office or a disability ombudsman, preferably within the human resources function.
- Develop a focussed recruitment and selection strategy to strategically align the recruitment and selection process with the objectives of disability management.
- Develop a focused training and development strategy to empower employers and employees (including those with disabilities) to manage disability effectively in the employment context.
- Develop a focused performance management strategy which strategically aligns performance management with disability management.
- Develop focussed retention and exit management strategies to strategically align retention and exit management with the objectives of disability management.

- Develop a focussed labour relations management strategy to align labour relations management practice with the demands of disability management.
- Develop a scorecard to encourage compliance with disability management.
- Develop a clear role definition for human resource management and labour relations practitioners.
- Develop a focussed reasonable accommodation policy that would address the identified constraints.
- Develop and implement a focussed monitoring and evaluation framework for disability management.

The generic strategy developed in this research provides direction to human resource management and labour relations practitioners and managers to create a culture of disability awareness in organisations. It will also increase the understanding of disability and the management thereof in the workplace and provide a step by step guideline in respect of the main human resource management and labour relations practices and the manner in which it relates to the employment of persons with disabilities.

The research extends the existing body of knowledge with regard to employees with disabilities in the labour relations and human resource management fields of research. The economic and social utility value of the generic human resource management strategy will also enable organisations to increase the employment of persons with disabilities as a strategic human resource management intervention.

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## ACRONYMS

<b>ADA</b>	Americans with Disabilities Act, 1990 of the USA
<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>AMHCW</b>	Alaska Mental Health Consumer Web
<b>BBBEE</b>	Broad Based Black Economic Empowerment
<b>BCEA</b>	Basic Conditions of Employment Act, 75 of 1997
<b>CART</b>	Computer Assisted Real Time
<b>CCMA</b>	Commission for Conciliation, Mediation and Arbitration
<b>CHPI</b>	The Child Health Policy Institute
<b>COIDA</b>	Compensation for Occupational Injuries and Diseases Act, 130 of 1993
<b>Constitution, 1996</b>	The Constitution of the Republic of South Africa, 108 of 1996
<b>DDA</b>	Disability Discrimination Act, 1995 of the UK
<b>Disability Code</b>	Disability Code issued in terms of the Disability Discrimination Act, 1995 of the UK
<b>DLA</b>	Department of Land Affairs
<b>DPI</b>	Disability Peoples' International
<b>DPO</b>	Disabled Peoples' Organisation
<b>DPSA</b>	Disabled People South Africa
<b>DRC</b>	Disability Rights Commission in terms of the DDA
<b>EEA</b>	Employment Equity Act, 55 of 1998
<b>EEO</b>	Equal Employment Opportunity referred to in terms of the ADA
<b>EEOC</b>	Equal Employment Opportunity Commission referred to in terms of the ADA
<b>EU</b>	European Union
<b>HIV</b>	Human Immune Deficiency Virus
<b>HR</b>	Human Resource (Management)
<b>ICD</b>	International Classification of Diseases
<b>ICF</b>	International Classification Framework
<b>ICIDH</b>	International Classification of Impairment, Disability and Handicap, 2001

<b>ICRPD</b>	UN International Convention on the Rights of Persons with Disabilities and its Optional Protocol
<b>ILO</b>	International Labour Organisation
<b>INDS</b>	White Paper on an Integrated National Disability Strategy, 1997
<b>LRA</b>	Labour Relations Act, 66 of 1995
<b>NBR</b>	National Building Regulations and Building Standards Act, 103 of 1997 and the National Building Regulations issued in terms of this Act.
<b>NGO</b>	Non-governmental organisation
<b>OSDP</b>	Office on the Status of Persons with Disabilities
<b>PEPUDA</b>	Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000
<b>RDP</b>	Reconstruction and Development Programme
<b>SABS</b>	South African Bureau of Standards
<b>SAFCD</b>	South African Federal Council on Disability
<b>SAHRC</b>	South African Human Rights Commission
<b>SMME</b>	Small, medium and micro-sized enterprises
<b>TAG</b>	Technical Assistance Guidelines
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>USA</b>	United States of America
<b>WHO</b>	World Health Organisation

## CHAPTER 1

### GENERAL INTRODUCTION

*“We live in a time of chaos, marked by breath-taking technological advances, tectonic cultural and political shifts, and vigorous international competition. Our workforce grows more diverse every day, while our attitudes about work are constantly changing. At the same time customers are demanding intensive service in near-perfect quality. Everything has to be better, cheaper, faster.”*

*Robert H Rosen with Paul B Brown, 1996*

*Leading people transforming business from the inside out.*

*New York, Viking Penguin, p10.*

#### 1.1. BACKGROUND TO THE RESEARCH

The Commission for Employment Equity (2004:x) indicated that it is of particular concern that employers are not paying enough attention to the disability dimension of employment equity. Employment statistics released by the Commission (2004:x) indicated that persons with disabilities remain at “about 1%” of the total workforce.

A more detailed analysis would show that the employment statistics of persons with disabilities are actually declining. This declining trend is taking place within the context of employment equity emanating from the Constitution of the Republic of South Africa, 108 of 1996 (Constitution, 1996) and the Employment Equity Act, 55 of 1998 (EEA) which aim to achieve equity in the workplace and ensure equal opportunity to all South Africans.

Persons with disabilities have to find employment in a complex and success-driven work environment. At the same time organisations are continuously searching for more effective approaches to grow or maintaining themselves in a competitive environment. This may constrain the employment of persons with disabilities, especially in the present recessionary economic climate.

Veldsman (2003:33) contends that “... the environments of organisations have moved from being relatively stable, simple, orderly, predictable and local to one of discontinuous change, complexity, chaos, ambiguity and globalisation. Relentless

responsiveness, innovation, speed, flexibility, cost-effectiveness and value-add have become critical success criteria. Within this environment many organisations are converting themselves from rigid, self-sufficient, command-and-control, information-starved, functionally based, localised entities driven by objectives, standards and plans into virtual, responsive, empowering, information rich, distributed global value networks guided by vision, values, beliefs and road maps.”

The employment of persons with disabilities occurs within a new world view of interconnectedness. Slabbert (2004:1) warns that companies worldwide have no choice but to address the impact and the reality of globalisation if they want to survive in the “global village”. This implies that companies are striving towards “world-class” status or achieving a position of optimum competitiveness. It is, however, also a well-known fact that there are two streams of thinking regarding this striving of companies in the “global village”. On the one hand, there is a school of thought that believes that through globalisation, companies ascend to “world-class” status, resulting in more job opportunities, economic growth and prosperity. On the other hand, there is a group of people who think that the globalisation process causes poverty, loss of jobs and the exploitation of underprivileged people, which includes persons with disabilities, by powers of superior knowledge and capital.

Both ways of thinking have an element of truth in them. Companies cannot operate successfully outside the mainstream of globalisation – but companies are also embedded in the broader community. This implies that companies have a responsibility towards the socio-economic upliftment of the broader community, including persons with disabilities, in order to ensure stability and community wellness. However, this broader responsibility does not imply “social hand-outs” or “window dressing” in the form of traditional social responsibility and social investment projects.

Companies should rather see involvement with persons with disabilities and investment as part of their overall business strategy, the underlying reason being that no company can become a “world-class” competitive role player in the “global village” if such a company has to function in an unstable community characterised by poverty, unemployment and crime. It is therefore of critical importance that

employers accept the challenge of balancing organisational wealth and community wellness in such a manner that they ensure economic sustainability and growth for their companies in the “global village”.

Slabbert (2004:1) reasons further that in South Africa, the complexity and importance of the challenge is, *inter alia*, highlighted by:

- A widening gap between socio-economic expectations and realities – a gap that can, if not managed properly, result in a “revolution within a revolution” in which the benefits of a successful and democratic political transformation are neutralised by an emotional socio-economic “revolution” which is often the forerunner of “civil war” in Africa.
- A national economy in which the shrinking job creation ability of the formal economic sector (large companies) and an “underdeveloped” entrepreneurial economy (small and medium-sized enterprises) is substituted by a thriving crime and informal survivalist economy.
- A socio-economic backlog in the form of a high unemployment rate, which is steadily worsened by the impact of globalisation. Organisational restructuring and retrenchment, for example, become synonymous with the striving for cost-effectiveness and competitiveness in the “global village”.
- A political drive for transformation in the form of equity, black economic empowerment and affirmative action.
- Some trade union officials who have yet to adapt to a “new” strategic role rather than a conflict orientation in their workplace approach.

The question that now arises is how to overcome the aforementioned pitfalls in such a manner that they neither affect the economic sustainability of companies nor enhance the socio-economic problems, of especially persons with disabilities in the South African community.

Within this “environment”, persons with disabilities do not have an equitable opportunity to find employment. Organisations employ only “the best” employees to fit into the “environment” sketched above.

The Commission for Employment Equity, in addition to the analysis of the Employment Equity Reports submitted by employers who employ more than 150 employees, also conducted workplace site visits. Following these site visits it made a number of observations, of which the most significant are that there is a limited understanding amongst employers of disability and that employers are also under the impression that accommodating an employee with a disability, would result in a serious financial burden (2004:6, 7).

According to the Editorial of the Journal *Alter* (2007:7) marked changes in disability concepts have occurred during a 40-year period of intense social and economic changes in Europe and the world. Policies have developed from individual or medical models to social models and from institutionalisation to deinstitutionalisation and normalisation, and then to civil rights and autonomy. In such period of rapid change, intellectuals have an important responsibility to build new frameworks that can guide the development of structures and programmes appropriate to changing situations.

This extract, intended for a European context, is also relevant to the South African context. The significant difference is that the changes in the South African context have occurred over a much shorter period, namely since the political change in 1994. This rapid change, combined with a lack of research, leads to high expectations and disappointing outcomes, resulting in frustration for persons with disabilities.

Disability, amongst others, is a cause and consequence of poverty: poor people are more likely to have a disability and persons with disabilities are more likely to be poor. The World Health Organisation (WHO) estimated that 7 to 10% of the world's population live with a disability. Various aspects of poverty affect persons with disabilities: in general they have little financial means, but they also have no political power and they face discrimination at all levels of society (Handbook "Making PRSP Inclusive" 2008:1).

Siegel (1994:1) indicates that employment involves more than economic policy, political movements and human rights. It also relates closely to poverty and basic

human needs and human nature. He continues (p2) that unemployment is a subject that lends it to ideological and partisan conflicts because it lies at the nexus of such issues as the scope of government responsibility and private power, of equity and inequity based on gender, class and race. Disability could certainly be added since individuals with disabilities belong to the poorest of the poor (Eide and Loeb 2005:5, Quinn & Degner 2002:10).

Ahuja (1989) stresses that economic independence is the most important single factor that can lead to equalisation of opportunity and meaningful existence with self-respect and dignity.

The human resource management and labour relations profession has an active role to play in resolving this dilemma. According to Brewster et al (2008:2) organisations now require human resource management and labour relations to play an active role in the fight to be successful and remain competitive by amongst others, finding creative ways to add value to the business. One such area of value adding is the employment of persons with disabilities.

In summary it can be stated that persons with disabilities are relatively underemployed in South Africa and there is no indication that the employment of persons with disabilities are about to improve (refer to Chapter 6 for a full discussion on the prevalence of persons with disabilities).

## **1.2 RESEARCH PROBLEM STATEMENT**

The discussion up to now indicates that persons with disabilities are underemployed and that organisations do not know which constraints contribute to this underemployment problem.

Cooper and Schindler (2003:14) argue that “The purpose of the research - the problem involved or the decision to be made – should be clearly defined and sharply delineated in terms as unambiguous as possible. The statement of the decision problem (in the context of this research the term “research problem” is used) should include its scope, its limitations, and the precise meaning of all words and terms

significant to the research.” The thesis according to Cooper and Schindler (2003) is how research in business can assist managers to make better informed decisions when they face management dilemma’s or decision-making problems.

McGuigan (1983:23, 24) and Kerlinger (1986:16) mention that there are a number of criteria to which a clearly stated research problem should comply, namely:

- The research problem should express a relation between two or more variables. It asks, in effect, questions such as: Is A related to B? How are A and B related to C? How is A related to B under conditions C and D? This relationship between variables, as well as the variables itself, are not always easily identified. Kerlinger (1986:16) indicates that not all research problems clearly have two or more variables.
- The research problem should be stated clearly and unambiguously in question form. It is also pointed out that the purpose of the research is not necessarily the same as the research problem.
- The research problem should be such as to imply empirical testing. A problem that does not contain implications for testing its stated relation or relations, is not a scientific problem. This statement is specifically relevant to quantitative research. It is pointed out that this criterion is often difficult to satisfy.

McGuigan (1983:5) indicates further that the research problem is usually best stated in the form of a question. Babbie and Mouton (2001:69) is being very practical when he states that posing problems properly is often more difficult than answering them. A properly posed question often seems to answer itself. Jansen (2007:3 to 5) surmises that a good research question has many different features. It should be:

- Concise and to the point;
- clear;
- operationalisable;
- open-ended;
- elegant;
- timely;
- theoretically rich;
- puzzle features;

- self-explanatory; and
- grammatically rich.

Jansen continuous that above all, a good research problem has panache.

In considering the abovementioned authors the research problem to be addressed by this research (the management dilemma) is formulated as follows:

Persons with disabilities generally have a lot to offer to the South African economy and to employers, but they are unable to do so due to a number of constraints: what are these constraints and how can these constraints be addressed?

### **1.3 RESEARCH QUESTIONS**

The main research question (Table 1) is whether there are constraints that inhibit the employment of persons with disabilities in organisations? If so, what are these constraints and how can they be addressed?

This is the broad, overall question to which an answer is sought (Jansen 2007:7). The main research question is not singular but multi-dimensional and it cascades down into several secondary or supportive research questions. Each secondary question is an alternative question which, when answered, assists to solve the primary research question. The secondary question is also more specific and gives added focus to the main research question (Jansen 2007:12).

Maree and Van der Westhuizen (2007:26) indicate that the primary research question should be linked to the statement of purpose and similarly the secondary research questions need to be closely linked to the primary questions. In an effort to order the research questions into logical categories, six research areas have been identified. These research questions and research areas have been identified by researching the available literature and from the experience of the researcher in managing persons with disabilities in the South African employment context. These areas are as follows:

- Defining disability for employment purposes;

- usefulness of the South African disability management framework for employment purposes;
- perceptions concerning persons with disabilities in employment;
- availability of disability management policy and capacity in organisations;
- the impact of certain human resource management policies on the employment of persons with disabilities, namely -
  - recruitment and selection;
  - training and development;
  - performance management;
  - employee retention strategy;
  - labour relations management strategy;
  - exit management strategy; and
- the willingness of employers to reasonably accommodate persons with disabilities in the workplace.

These research areas have been broken down into more detailed research questions and are presented in Table 1 as follows:

**Table 1: Research questions and research areas**

<b>RESEARCH QUESTIONS (PRIMARY)</b>					
Are there constraints that inhibit the employment of persons with disabilities in organisations? If so, what are these constraints and how can they be addressed?					
<b>AREAS COVERED BY THE SECONDARY RESEARCH QUESTIONS</b>					
<b>AREA 1:</b>	<b>AREA 2:</b>	<b>AREA 3:</b>	<b>AREA 4:</b>	<b>AREA 5:</b>	<b>AREA 6:</b>
Defining disability for employment purposes.	Usefulness of the SA disability management framework for employment purposes.	Perceptions concerning persons with disabilities in employment.	Availability of disability management policy and capacity in organisations.	The impact of human resource management policies on the employment of persons with disabilities.	The willingness of employers to reasonably accommodate persons with disabilities in the workplace.
<b>SECONDARY RESEARCH QUESTIONS</b>					
Is the definition of disability as set out in the EEA useful in managing disability in the employment context?	Do managers and human resource practitioners utilise the South African legislative and policy framework?	Are the perceptions which employers and persons with disabilities have of each other a constraint in the employment of persons with disabilities?	Is disability policy available in South African organisations and do organisations have capacity to implement it?	Does human resource management practices contribute to the employment of persons with disabilities or does it constrain it?	Do respondent organisations have a policy on reasonable accommodation?
Do respondents agree with this definition?	Do managers and human resource management and labour relations practitioners understand the legislation and policy framework?		Do organisations have policies on employment of persons with disabilities?	What methods do respondent organisations follow to recruit persons with disabilities?	How much money would respondent organisations be willing to spend on reasonable accommodation?
Does this definition include all categories of disability?			Are these policies used?	What role do specific human resource management practices play in employing persons with disabilities?	Would respondent organisations be willing to utilise experts to assist with reasonable accommodation?
Does this definition assist in dealing with issues of disability in employment?			Do organisations have a disability ombudsman in its employ? What role do human resource management practitioners play in disability management?	How should these practices be changed to facilitate the increased employment of persons with disabilities?	

The six research areas and the research questions (primary and secondary) will be addressed through the literature study and the survey method. The findings will identify constraints to the employment of persons with disabilities. The constraints will form the basis of the strategy for the employment of persons with disabilities, which is the objective of this research.

It should be emphasised that use is not made of hypotheses in this thesis. Cooper and Schindler (2003:13) indicate that the classical concept of basic research does call for hypothesis, but in applied research such a narrow definition omits at least two types of investigation that are highly valued, namely exploratory and descriptive research. The reasons for this decision in the research design and methodology are as follows:

- The research problem is clearly stated in question form and it is supported by several research questions; and
- the main objective of this thesis is to develop a strategy and this strategy is not dependant on the relationship between variables but rather on the significance of the response to the various research questions by knowledgeable respondents.

#### **1.4 RESEARCH OBJECTIVES**

The research problem gave rise to the formulation of the following research objectives:

The main objective is to identify constraints in the employment of persons with disabilities and to develop an integrated generic employment strategy that can be used in any organisation and at a macro/national level.

Implementation of this strategy should result in the increased employment of persons with disabilities. The generic strategy, which accommodates the various types of disabilities in a variety of industries and workplaces, will be compiled after the constraints in the existing legal framework, policies and organisation procedures have been identified from the literature review and the questionnaire type survey of 84 respondents who are knowledgeable in disability issues. The identified constraints will be used as basis from which improvements can be made and an employment strategy will be developed.

The purpose of the research is particularly relevant within the subject fields of human resource management and labour relations management.

## 1.5 THESIS STATEMENT

The thesis statement of this research is as contained in the research problem statement, research questions and the research objectives. The exclusion of persons with disabilities from economic activity often leads to dependence on state-funded social security while they are able and willing to work and be economically independent. Persons with disabilities are a designated group in terms of section 1 of the EEA which requires, *inter alia*, that unfair discrimination must be eliminated (section 5). Failure by employers to eradicate unfair discrimination and by implication the constraints preventing the employment of persons with disabilities, is in violation of the EEA, which could lead to the introduction of punitive measures (section 50).

From the perspective of the human resource management and labour relations profession it is also argued that by identifying possible constraints to the employment of persons with disabilities, a generic organisation employment strategy can be compiled that should be used to enhance the employment of persons with disabilities.

## 1.6 DELINEATION

The scope of the research is delineated to emphasise the employment of persons with disabilities. Disability management is a field of research which spans many disciplines, namely sociology, psychology, medicine and law, to name but a few. The study of persons in employment, named human resource management and labour relations, interfaces at various levels with other fields of research. It has its own body of knowledge which has developed as part of management sciences.

Disability manifests in different forms and is generally categorised as follows:

- Sight disabilities;
- hearing disabilities;
- mental disabilities;
- physical disabilities; and
- intellectual disabilities.

The different forms of disability have developed specialised definitions, strategies and procedures which suit their specific circumstances. This research is not intended to deal with each form of disability in detail but it deals with disability in general. Where relevant, specific categories of disability will be discussed.

The constraints will be investigated within the context of the South African labour relations framework and human resource management practices.

## **1.7 LIMITATIONS**

Hofstee (2006:117) describes the limitations in the research method as those aspects that separate the research from perfection. He also mentions that all research methods have limitations. The research method used for this research has the following limitations:

- The gathering of information using the survey method has limitations which are well documented. These limitations, and the strategy to mitigate it, will be discussed in Chapter 8.
- The respondents targeted to complete the questionnaire are managers, human resource management and labour relations practitioners and persons with disabilities, who have knowledge and experience of disability management and employment. The targeted groups are therefore not listed in a single convenient source. They would have to be identified using networks and organisations to which such persons would belong. This poses a limitation as the number of such available individuals is limited and therefore identifying a large number of respondents would not be realistic. This limitation gives rise to the challenge of generalisation of the findings of the research.
- The relative small sample of respondents (84) is probably not representative of the total number of persons knowledgeable on disability issues in South Africa. This will contribute towards the research having a more exploratory character notwithstanding the application of a quantitative method such as a questionnaire survey. The limitation in the sample will also lead to the application of mainly descriptive statistics and the exclusion of advanced

statistical calculations. To minimise this limitation qualitative Content Analysis (ATLAS.ti) will be used in conjunction with the survey to obtain more depth in the results.

- The strategy which will be formulated as an objective of this research would be generic in nature and would focus on the employment of persons with a variety of disabilities. Although the strategy to be developed will not deal separately with each category of disability, the need at present is for a strategy which is generic by nature.
- The strategy is intended to be a plan to lead to the increased employment of persons with disabilities. The strategy does not provide all the answers and the implementers of this plan will therefore have to develop detailed policies and procedures to deal with areas identified in the strategy.

## **1.8 DEFINITION OF TERMS AND CONCEPTS**

The importance of adequate definitions in science cannot be over-emphasised. The main functions of good definitions are to clarify the phenomenon under investigation and to allow unambiguous communication (McGuigan 1983:29). Due to the relevance and complexity of the construct “disability” and some of the other important terms used in this research, it was deemed appropriate to dedicate a separate chapter (Chapter 2) to this discussion.

## **1.9 UNDERLYING ASSUMPTIONS**

The research will be conducted against the background of a number of assumptions. These assumptions are potential risks to the research which, if not mitigated, could influence the results of the research. The research will be conducted through literature research and a questionnaire completed by individuals who are knowledgeable in disability management or any aspect thereof. This is a purposive population, which inherently necessitate certain assumptions.

These assumptions are as follows:

- The ability of a respondent with a disability to read and understand the research questionnaire and to write a usable response is an assumption

which is made. Should the researcher establish that it is not possible for a respondent with a disability to participate in the research, the necessary steps would be taken to reasonably accommodate the disability of the respondent. For example, the questionnaire would be made available in Braille to persons with visual impairments.

- Certain organisations targeted to complete the questionnaire are reactionary by nature and aim to gain political support. This could result in a slight bias since members thereof could respond to questions in such a manner as to advance their own cause. This assumption will be managed by alerting respondents to this and requesting them to respond as honestly as possible.
- Disability management is a relatively unknown field of research for many organisations, its managers and human resources practitioners. The lack of knowledge may lead to respondents finding it difficult to respond to the more technical questions in the questionnaire. This assumption will be managed through the selection of organisations which do have disability management programmes in place. The researcher will engage organisations to establish this fact.
- Persons with disabilities are seen as a vulnerable group and the participation of persons with disabilities may be very limited if they are not confident that the research will benefit them. To manage this assumption, a number of organisations for persons with disabilities will be approached to endorse the research and to indicate such endorsement to their members. Once the endorsements have been received, the questionnaires will be sent to their members.
- Organisations to which persons with disabilities belong generally hold the view that their previous efforts to eliminate the constraints that persons with disabilities are facing, have failed and that they have been misused for purposes not beneficial to them. This scepticism could lead these organisations to view the research as just another of those similar efforts. The participation levels could be severely influenced by this assumption. As a result the research questionnaires would be distributed over a longer period of time and by means of personal and motivating engagements with key role-players in these organisations.

## **1.10 SIGNIFICANCE OF THE RESEARCH**

A generic strategy for the employment of persons with disabilities will provide a framework and give direction to human resource practitioners and managers to create a culture of disability awareness. It would create an understanding of disability and the management thereof in the workplace and provide a step by step approach in respect of the main human resource management and labour relations practices. Through the effective implementation of this strategy the actions of managers and human resource management and labour relations practitioners will significantly improve the employment of the disabled populace. Human resource management and labour relations practitioners should be equipped to understand the legislative and policy frameworks which describe disability management and how to implement it in South African workplaces.

The impact of this strategy will also enhance the awareness that the disabled populace is a marginalised group and should create an organisational environment that will lead to increased employment of persons with disabilities and subsequently to improved quality of life.

## **1.11 DISABILITY MANAGEMENT LITERATURE REVIEW RESEARCH FRAMEWORK**

The literature research will be conducted through the analysis of a large number of international and national policy documents, legislation, codes of good practice and other topical literature from different fields of research. The literature, selected on a topical basis and not by means of date and author, is varied and does not fit into a singular structure which allows for the seamless integration thereof.

Mouton (2001:86) applies certain criteria to a literature review or body of scholarship, which he argues a literature review should be named. These criteria suggest that a literature review should be -

- exhaustive in covering the main aspects of the research;
- fair in its treatment of authors;
- topical and not dated;

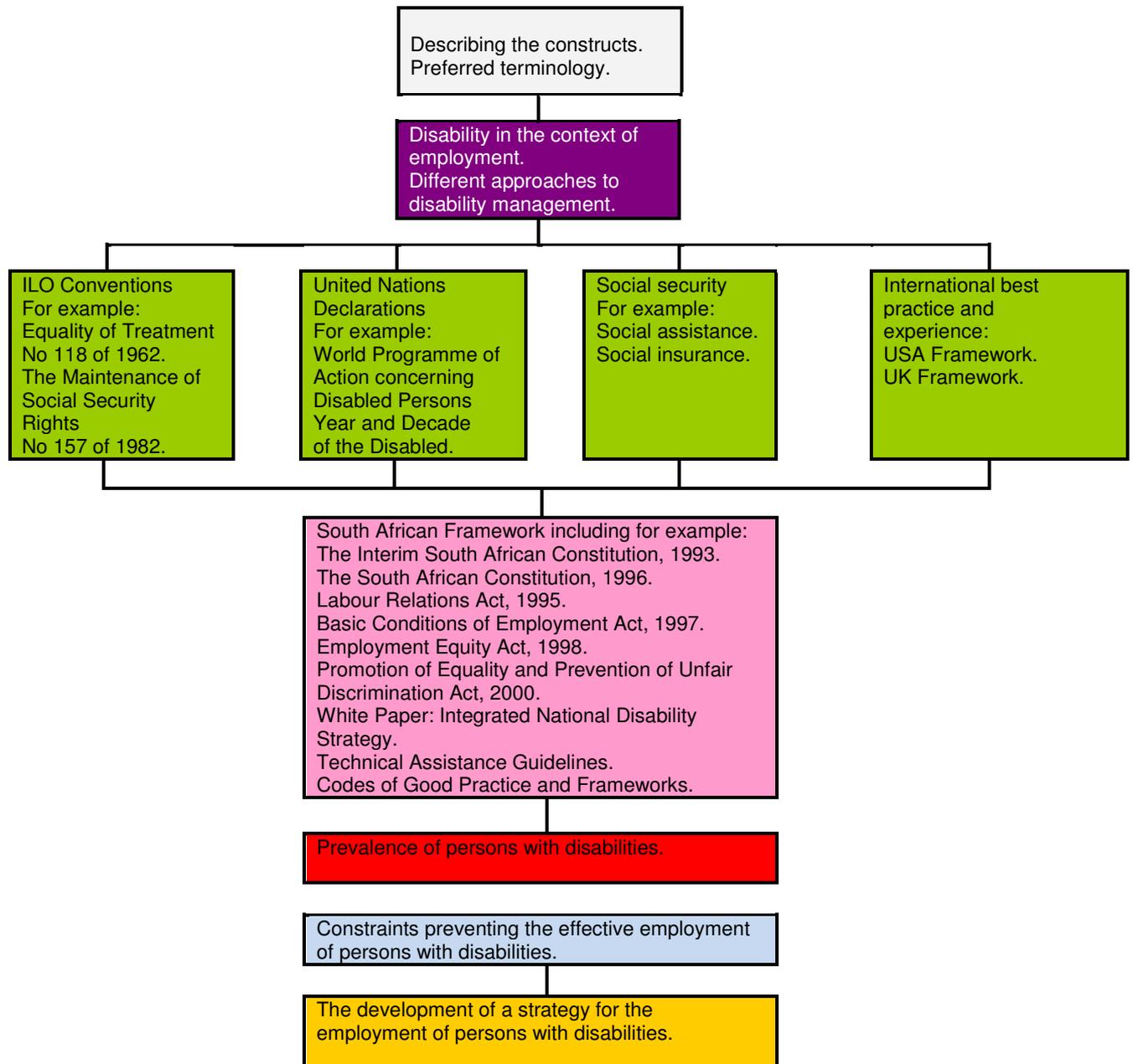
- using books and scientific journals and not be confined to internet resources;  
and
- well organised.

Crème and Lea (2003:119) stress the point that the researcher does not need to tell the reader every little detail about the topic under discussion. Applying these criteria to the research of a topic which is not standardised in international terms, is a challenge. Disability management is also a field of research which is multi-disciplinary and is found in many fields of research ranging from medicine to engineering. Very little has been written in the human resource management and labour relations fields of research and therefore it will be necessary to explore the body of scholarship of other fields of research. This inevitably led to an elaborate literature review.

To create order, a research framework which is used to categorise all the literature and to create a proper context, was developed (see Table 2). Apart from the categorisation of the literature the framework also assists in guiding the literature review into areas of relevance and assists to maintain focus. The categorisation follows a deductive process moving from the general to the specific.

The research framework is divided into six main areas which are highlighted in different colours. The colours are merely for categorisation purposes and have no meaning *per se*. Each of the six main areas is divided into sub-areas which are the most important components of the main area. The research framework is depicted in Table 2 and is discussed in more detail below:

**Table 2: Disability management literature review research framework**



The six areas are described as follows:

- Area 1: In this area (as depicted in grey) the various constructs and terminology to be used in this research are discussed.
- Area 2: In this area (as depicted in purple) disability in the context of employment and the different approaches to disability management are discussed. The sources of information are mainly international academic literature which originated in the sociology, medicine and law fields of research.

- Area 3: In this area (as depicted in green) the international employment and disability management policy framework originating from, amongst others, the International Labour Organisation, United Nations and social security field of study are discussed. The sources of information are mainly literature issued by these organisations and literature related to social security law and practice.
- Area 4: This area (as depicted in pink) describes the South African legal and policy framework relating to disability management. The sources of information are mainly South African statutes, codes of good practice and policy and strategy documents.
- Area 5: In this area (as depicted in red) the prevalence of persons with disabilities in South Africa, with reference to their employment, will be discussed.
- Area 6: This area (as depicted in blue) describes the different constraints preventing the effective employment of persons with disabilities. The sources of information are published and unpublished articles and field work conducted by a number of students completing the Honours Degree in Human Resource Management at the University of Pretoria.
- Area 7: In this area (as depicted in gold) the strategy to employ persons with disabilities are presented and discussed. The strategy will be developed by utilising the literature research of the preceding chapters as well as the research findings.

Table 2 will be repeated as part of the introduction in each of the literature review chapters to assist the reader to follow the literature review.

## **1.12 CHAPTERS OF THE THESIS**

Hofstee (2006:43) states that it is an imperative to have a good dissertation structure. “It’s what will make sure that you don’t get lost in the writing of your dissertation and that your readers won’t get lost in the reading of it.” The dissertation structure in this research follows the standard or classical approach. Each chapter begins with an introduction which indicates the critical issues discussed in each chapter and it concludes with a summary reflecting on the critical findings.

The presentation of the chapters in this dissertation is as follows:

- Chapter 1: General Introduction: This chapter provides the background information, the purpose of the research and the research objectives. The problem statement or management dilemma is defined and the significance thereof is discussed. The assumptions, as potential risks to the research, are discussed and the strategies to mitigate each of the risks are elaborated upon. A disability management research framework is presented. The purpose of this framework is to orientate the reader on the content and provide the foundations for the research questions.
- Chapter 2: Constructs and Terminology: This chapter aims to describe the various constructs and terminology used in this research to ensure operationalisation of the constructs and the terminology used.
- Chapter 3: Disability in the Context of Employment: This literature review chapter focuses on area two of the disability management literature review research framework as set out in Table 2 above, namely the different approaches to disability management.
- Chapter 4: International Disability Management Policy Framework: This literature review chapter focuses on the relevant Conventions of the International Labour Organisation (ILO) and the relevant Declarations of the United Nations (UN). Social security and the significant strands of social security as they relate to the employment of persons with disabilities are detailed. International best practice models of disability management are also discussed.
- Chapter 5: South African Disability Management Policy Framework: This literature review chapter focuses on the South African disability management framework.
- Chapter 6: Prevalence of Persons with Disabilities in South Africa: Prevalence is discussed by means of graphs detailing the most important trends.
- Chapter 7: Constraints in the effective employment of persons with disabilities: This chapter focuses on area six of the disability management framework as set out in Table 2, namely the constraints that prevent the

employment of persons with disabilities. These constraints, organised in accordance with the employment cycle, analyse the effect of the various human resource management practices on the employment of persons with disabilities. The chapter provides the main content and context for the development of the research questionnaire.

- Chapter 8: Research Design and Methodology: This chapter describes the research method, its design and the reasons why the specific research design is selected.
- Chapter 9: Research Findings and Discussion.
- Chapter 10: Conclusion, Human Resource Management Strategy, Reflection and Recommendations.

### **1.13 SUMMARY**

The contribution of this chapter to the research process and the development of a strategy to employ persons with disabilities can be summarised as follows:

- Persons with disabilities are regarded as the poorest of the poor and are generally employed in inferior positions.
- Employers are, due to constraints yet unknown, indolent to employ persons with disabilities.
- Positive trends have been seen in the changing representativeness of the Black and women target groups as identified by the EEA.
- The same trends have not been seen in respect of persons with disabilities as a designated group.
- The value attached to becoming representative in terms of disability is relatively low, and most employers do not expend much effort in this area because the business case for employing persons with disabilities has not been made.
- In this research the relevant literature will be studied and data gathered through a questionnaire completed by a purposive sample of managers, human resources management practitioners and persons with disabilities.
- The research problem to be addressed by this research is that persons with disabilities generally have a lot to offer to the South African economy and to employers, but they are unable to do so due to a number of constraints.

- The main research question is not singular but multi-dimensional and it cascades down into several secondary or supportive research questions.
- The main objective is to identify constraints in the employment of persons with disabilities and to develop an integrated generic employment strategy that can be used in any organisation and at a macro/national level.
- Implementation of this strategy should result in the increased employment of persons with disabilities.
- The generic strategy, which accommodates the various types of disabilities in a variety of industries and workplaces, will be compiled after the constraints in the existing legal framework, policies and organisation procedures have been identified from the literature review and the questionnaire type survey of 84 respondents who are knowledgeable in disability issues.
- The strategy for the employment of persons with disabilities will provide a framework and give direction to human resource practitioners and managers to create a culture of disability awareness.
- Through the effective implementation of this strategy the actions of managers and human resource management practitioners will significantly improve the employment of the disabled populace.
- This chapter also presented a literary review research framework which is used to categorise all the literature and to create a proper context and the chapters in this dissertation.

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## CHAPTER 2

### CONSTRUCTS AND TERMINOLOGY

*“We often talk pretty casually about social science concepts such as prejudice, alienation . . . but it is necessary to clarify what we mean by these concepts in order to draw meaningful conclusions about them” (Babbie and Mouton 2001:99).*

#### 2.1. INTRODUCTION

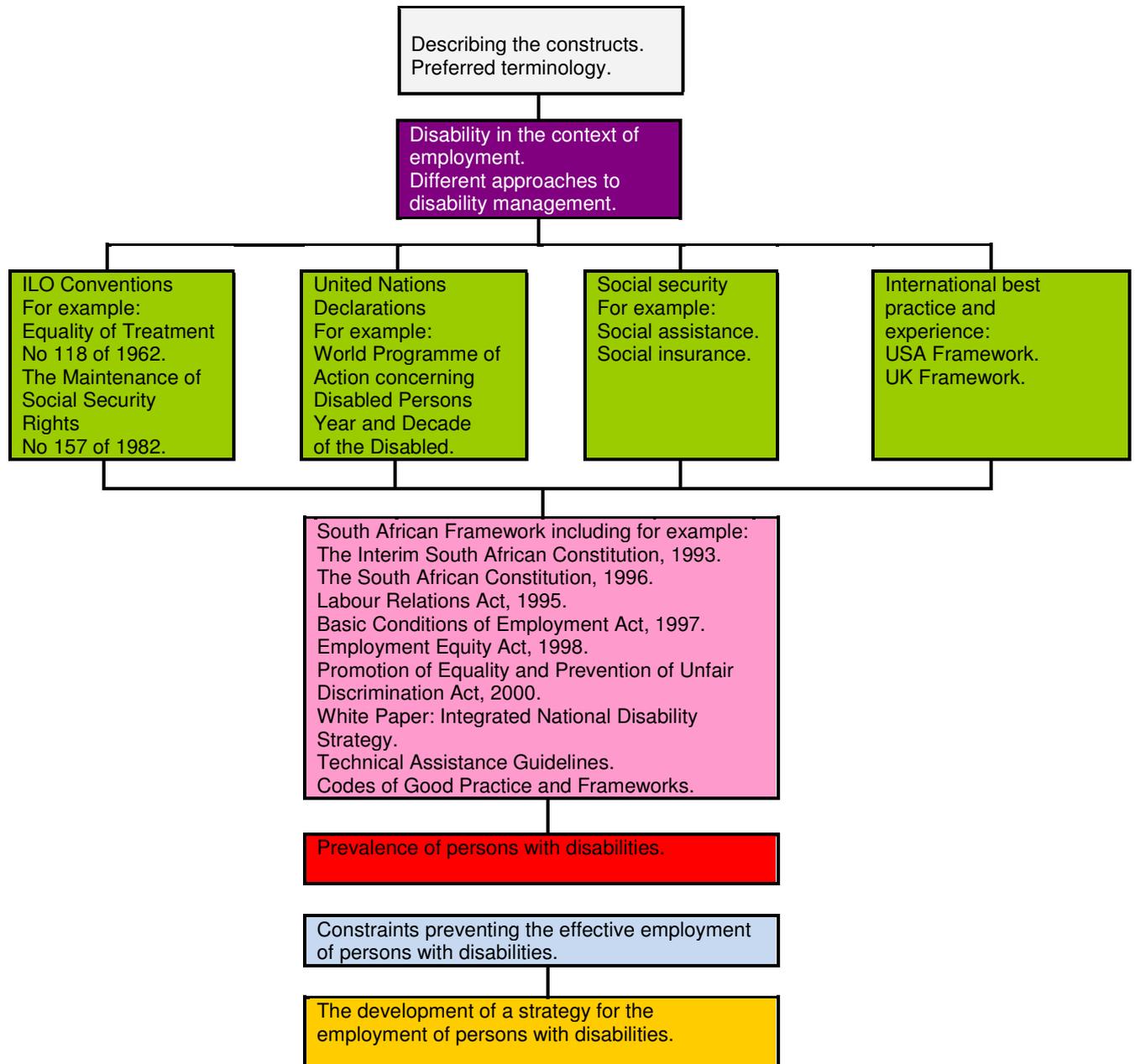
In this chapter disability and other relevant constructs which are central to this research will be discussed. Disability issues are not commonly discussed in South Africa. This results in a limited understanding of the issues and a general lack of information. This also affects the human resource management and labour relations profession which ultimately affects the employment numbers of persons with disabilities.

The constructs labour relations management, the various human resource management and labour relations practices and disability are discussed in detail due to the relevance thereof to the research. This research aims to integrate these three fields of study by means of the strategy for the employment of persons with disabilities. The strategy will provide a framework and give direction to human resource practitioners and managers to create a culture of disability awareness. It would create an understanding of disability and the management thereof in the workplace and provide a step by step approach in respect of the main human resource management and labour relations practices.

The terminology used in addressing persons with disabilities and related matters reflects the attitudes displayed towards persons with disabilities. Unfamiliarity with terms may also make it difficult to engage sensibly with a person with disabilities. It is particularly relevant for human resource management and labour relations practitioners to become familiar with the proper terminology to use and not to use. The reasons why certain terminology should not be used are also elaborated upon.

The relative position of the discussion of the constructs and terminology in the overall literature review research framework is presented in light grey in Table 3.

**Table 3: Disability management literature review research framework**



## 2.2 MOTIVATION FOR THE DISCUSSION OF THE RELEVANT CONSTRUCTS

Kerlinger (1986:27) defines a construct as a concept having been deliberately and consciously invented or adopted for a special scientific purpose. Babbie and Mouton (2001:113) further describes the process of conceptualisation as starting with an initial set of anticipated meanings which can be refined during data collection and

interpretation. The set of anticipated meanings is refined into a nominal definition and refined further into an operational definition.

Effective research requires that there must be clarity of the constructs and the terminology used. The research area is specialised and different fields of research focus on disability management. This results in different interpretation of concepts. The matter is further complicated in South Africa because the concept of unfair discrimination in terms of disability is entrenched in the Constitution, 1996 and several other employment Acts. This gives persons with disabilities legal protection against any form of discrimination. Human resource management and labour relations practitioners therefore need to be familiar with this complex framework and the meaning of the various terms.

Throughout this research terminology is used which is not described *per se* because it is commonly understood and the common understanding is sufficient for purposes of this research. The constructs which have been deemed relevant for further discussion are those emanating from the research problem specifically, namely:

- Disability;
- disability management;
- labour relations;
- various human resource management practices;
- constraints;
- disability management strategy; and
- reasonable accommodation.

The relevant constructs are discussed below.

### **2.3. THE CONSTRUCT: DISABILITY**

The construct disability is a composite construct, compiled specifically to accommodate the relevant discussions of disability for this research. The South African government admitted that one of the reasons for the failure to integrate disability management into mainstream government statistical processes is the fact that statistics and the prevalence of disability, tend to be unreliable due to varying

definitions of disability (INDS 1997:1, Prevalence of Disability in South Africa 2005:8, Annual Report Employment Equity Commission 2007/08). This is not only a South African problem but an international problem as well. Huijboom et al (2009) in the Dutch Coalition on Disability and Development 2009 annual report ([www.dccdd.nl](http://www.dccdd.nl)) compared the manner in which Dutch Development Aid organisations look at disability and mention in the limitations of the research (Annexure III – p153) the following:

“Niet alle organisaties hanteren dezelfde definitie van disability, en in sommige gevallen gebruikt een organisatie in 2008 een andere difinitie dan tijdens de nulmeting. Hierdoor waren sommige vergelijkingen niet goed te maken, of was een verandering heel groot terwijl het daadwerkelijke beleid van een organisatie niet veel was veranderd”.

Interest groups have for some time now struggled with an acceptable definition of disability. Policymakers and service providers are usually quick to point out not only the advantages, but in fact the necessity, of categorising disabled persons into clearly defined groups for the purposes of service delivery, education, social security and employment equity planning (Prevalence of People with Disabilities 2005:8).

Albert (2004:2) states that for those unfamiliar with this subject it might seem surprising that something apparently as obvious as the definition of disability should excite controversy.

According to CHPI and SAFCD in Social Security Policy Options for Persons with Disabilities in South Africa (2001:6), “(t)he definition of disability is dependent upon the theoretical construct used to understand disability. This results in “measuring” disability along different parameters, depending on the outlook currently within the (South African) Social Security system, disability is measured and defined entirely and only by the Medical Profession. Their interpretation determine receipt of a grant or not.”

Descriptions like “impairment”, “disability”, “crippled” and “handicap” are some of the common terms used to describe persons with disabilities. The distinction between these terms and when which term should be used, if at all, is not apparent. The use

of these terms is also not standardised. The interpretation of these terms mainly depends on the perspective of the user and the disability model and field of research which guides the user's perspective. As communities or groups were formed with a disability focus, more definitions were developed. The communities or groups typically consist of individuals who share the problems of access and opportunity that are more commonly found among persons who have physical, cognitive, sensory or mental impairments. The definitions they developed most often reflect these realities.

According to Kaplan (date unknown) the United Nations uses a definition of disability that is different from the Americans with Disabilities Act, 1990 of the USA (ADA). It uses the following definitions:

- Impairment: Any loss of abnormality of psychological, or anatomical structure or function.
- Disability: Any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.
- Handicap: A disadvantage for a given individual, resulting from an impairment or disability, that limits or prevents the fulfilment of a role that is normal, depending on age, sex, social and cultural factors, for that individual.

Kaplan summarises that a “handicap is therefore a function of the relationship between disabled persons and their environment. It occurs when they encounter cultural, physical or social barriers which prevent their access to the various systems of society that are available to other citizens. Thus, handicap is the loss or limitation of opportunities to take part in the life of the community on an equal level with others.”

During working sessions with disabled employees in an endeavour to define disability for policy and human resources management purposes the conclusion often is that a single definition would not be found and that, in the view of employees with disabilities, it is not necessary to have a single definition for disability. The view of participants was that time is wasted in trying to find a common definition as there

are many other more important things to do for persons with disabilities which can have a greater impact (DLA unpublished working session paper, 1997).

The Disability Rights Movement nationally and internationally, adopted the slogan: “Nothing about us, without us!” (Seoul Declaration, 2007). The belief is that if the decision-making process is inclusive, decisions will be made which are beneficial to persons with disabilities, and that a definition would then not be required.

The different models of disability and the varying interpretation of the different definitions make it impossible to manage employees with disability consistently. In the South African context the EEA does not define disability *per se* but defines “people with disabilities” as follows: “people with disabilities’ means people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment” (section 1 of the EEA).

The EEA definition highlights the following concepts:

- An impairment;
- the impairment must be physical or mental;
- the impairment must be long-term or recurring;
- the impairment must substantially limit a person’s ability to get a job; and
- the impairment must substantially limit a person’s advancement in (current) employment (section 1 of the EEA, Disability Code (SA), TAG, and Christianson 2007:164).

The terms “impairment”, “physical impairment” and “mental impairment” are not defined in the EEA. The Disability Code (SA), which was issued in terms of the EEA, provides some clarity and defines these terms as follows:

- An impairment may either be physical or mental or a combination of both.
- 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.

- Mental impairment means a clinically recognised condition or illness that affects a person's thought processes, judgement or emotions (Disability Code, item 5.1.1).

The Disability Code (SA), item 5.1.3 (iv), excludes certain conditions. These exclusions are not exhaustive and other conditions may be added. The listed conditions include:

- Sexual behaviour disorders that are against public policy;
- self-imposed body adornments such as tattoos and body piercing;
- compulsive gambling, tendency to steal or light fires;
- disorders that affect a person's mental or physical state if they are caused by current use of illegal drugs or alcohol, unless the affected person is participating in a recognised programme of treatment; and
- normal deviations in height, weight, strength, conventional physical and mental characteristics and common personality traits.

In contextualising the South African definition it is useful to consider the definitions used by the USA and the UK. The ADA defines "disability" as follows:

"Disability means, with respect to an individual –

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (2) a record of such an impairment; or
- (3) being regarded as having such an impairment" (12103.2 of the ADA as quoted by Christianson 2007:164).

The ADA definition refers to all individuals generally and is not employment specific. It also refers to all major activities and not just employment. The ADA definition provides for a past record of impairment as well as for persons who are perceived by others as having an impairment. It also includes instances where such impairment does not in fact exist, but is merely perceived to exist (Christianson 2007:164, 165).

In addition to the above (general) ADA definition the employment regulations issued by the Equal Employment Opportunity Commission (EEOC) in terms of the ADA, defines physical impairment as:

“(1) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic, and lymphatic, skin and endocrine;” (section 1630.2 (h) (1) Definitions of the EEOC: ADA Employment Regulations as quoted by Christianson 2007:166).

The above definition would include, among others, “orthopaedic problems; visual, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; heart disease; diabetes; mental retardation; emotional illness; specific learning disabilities; past drug addiction; and alcoholism” (James G Frierson Employer’s Guide to the Americans with Disabilities Act (1992) at as quoted by Christianson 2007:166).

The ADA defines mental impairment as “[a]ny mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities” (section 1630.2 (h)(2)). Unlike the South African Disability Code, there is no reference in the ADA to a “clinically well-recognised illness” (Christianson 2007:166).

The ADA has no specific reference to long-term or recurring but rather refers to “a record of such impairment” which by implication means that the impairment has occurred previously or has been long-term (Christianson 2007:167, 168).

The ADA refers to a disability as an impairment that “substantially limits one or more of the major life activities of such individual”. The ADA explains that the term “substantially limits” means that the disabled person is unable to perform a major life activity that the average person in the general population can perform or the condition, manner or duration under which the disabled person can perform such activity is significantly restricted” (section 1630.2 (j) of the EEOC: ADA Employment

Regulations). It follows therefore that it is the impaired individual that must be examined and not just the impairment in the abstract (Frierson 53 as quoted by Christianson 2007:169). In terms of ADA there is no disability if there is no restriction (Christianson 2007:169).

The UK definition of disability is contained in their Disability Discrimination Act, 1995 (DDA) and it defines disability and a disabled person as follows.

“(1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

(2) In this Act “disabled person” means a person who has a disability”  
(section 1 of the DDA, Christianson 2007:165).

The DDA, like the EEA and the ADA, distinguishes between physical and mental impairments. Similar to the ADA the DDA applies to all persons and not just to employees. The definition further requires that the impairment should have a “substantial and long-term adverse effect” on the “normal day-to-day activities” of the person concerned (Christianson 2007:164).

The DDA, unlike the ADA, does not expand specifically upon the definition of physical and mental impairment. However, the relevant Minister, in explaining the DDA, indicated that “[the] terms physical and mental are intended to be seen in their widest sense and should comprehensively cover all forms of impairment” (Gooding 1996:11 as quoted by Christianson 2007:166).

Schedule 1 to the DDA defines “mental impairment” as including “an impairment resulting from or consisting of mental illness only if the illness is a clinically well-recognised illness.

The introduction of the World Health Organisation’s International Classification Framework (ICF) may suggest that a more integrative model is emerging within the international community (Seelman 2004:1). This integrative model adjusts for some of the criticisms of the other models and is already influential in country-based policy,

research and professional training (Seelman 2004:1). Within the ICF the definition of disability was acceptable to the DPI and was proposed for use (Mulcachy, 2005).

The ICF aims to provide a unified and standard language and framework for the description of health and health-related states. The domains contained in the ICF can be seen as health and health-related domains. These domains are described from the perspective of the body, the individual and society in two basic lists, namely:

- Body functions and structures; and
- activities and participation.

These terms replace the formerly used terms “impairment”, “disability” and “handicap” and extend the classification to allow positive experiences to be described.

The ICF encompasses all aspects of human health and some health-relevant components of well-being, and describes them in terms of “health domains” and “health-related domains”. Examples of health domains include seeing, hearing, walking, learning and remembering, while examples of health-related domains include transportation, education and social interaction.

It structures the information in a meaningful, interrelated and easily accessible way. Information is organised in two parts and each part has two sub-parts as set out in Table 4 below.

**Table 4: Structure of the information categorisation of the ICF**

Functioning and disability.	Body.	Body functions and systems.
		Body structures.
	Activities and participation.	
Contextual factors.	Environmental factors.	
	Personal factors.	

(Source: WHO, Introduction to the ICF 2001)

A person's, and specifically an employee's, functioning and disability are conceived as a dynamic interaction between health conditions (diseases, disorders, injuries, traumas, etc.) and contextual factors. As indicated above, contextual factors include both personal and environmental factors as essential components of the classification. Each component can be expressed in both positive and negative terms.

The unit of classification falls within health and health-related domains, and the description is always made within the context of environmental and personal factors. The health and health-related states of an individual are recorded by selecting the appropriate code and then adding numeric codes, termed qualifiers, which specify the extent or the magnitude of the functioning or disability or the extent to which an environmental factor is a facilitator or a barrier.

It is not apparent why the DPI supports the ICF. The ICF does not assist in defining disability in a non-inhibiting way. It still harnesses the medical model thinking. The ICF is also extremely complicated to use and it may not be practical to utilise such a complex tool in a work environment.

According to Altman and Bernstein (2008:5), disability is recognised as a multidimensional and dynamic concept. Jahiel, 2007 indicates that there is common agreement that no single and acceptable social definition of disability exists. These views are supported when considering the foregoing discussion.

Jahiel, 2007 and Albrecht and DeVlieger, 1999 indicated further that disability is discussed mostly either in terms of function or of social labelling but seldom in terms of its relationship to the quality of life of persons in situations of disability. Jahiel does not use the term "persons with disabilities" because it has a medical connotation (Finkelstein, 1980) or "disabled person" which conveys the social origins of disability. The term "atypical person" was first used by Depoy and Gibson, 2004. According to Jahiel this has the advantage of referring to a person's body, intellect and emotions not in a medical context, but rather in societal reactions to the features (or presumed features) of an individual within the total population (Jahiel, 2007:26).

From the preceding discussion Jahiel, 2007 further defines disability as follows: “Disability is the set of limits imposed by the interaction of the social and physical environment with persons who are atypical in body, intelligence or emotions on these persons activities, social interactions, pleasure, happiness, self-respect, identity, freedom, independence, safety, social and economic status or even ability to survive to the extent that these limits differ from those that are imposed on persons who are not atypical”. Jahiel’s definition is useful since it:

- Reflects social model thinking;
- reflects the interaction of a person with the social or physical environments; and
- reflects on the relevant “limits” imposed on persons in normal life, including working life.

A criticism is the use of the words “atypical” and “not typical”. Jahiel does not elaborate further on why he prefers these words. The word “atypical” more closely reflects the normative approach, which is medical model thinking. The phrase “persons with disabilities” is a well-established concept, popularised by the disability movement and could rather be used than the phrase “atypical”

One of the most recent South African definitions is found in the Regulations for Electronic Communications, Broadcasting and Postal Sectors to meet the Need of Persons with Disabilities (Notice 765 of 2007 – Government Gazette No 29986 dated 14 June 2007) which defines persons with disabilities as “...individuals who are limited in one or more functional activities. This may be seeing, hearing, communicating, moving, learning or other intellectual and emotional activities. The impairment may be permanent, recurring or transitory. It may be sensory, physical, cognitive or psychological.”

Since this research is within the labour relations field of study, the permanency or temporary nature of a limit is of significant relevance. This aspect should therefore be included in the definition.

The definition further does not refer to employment specifically, which is a requirement for this research. The EEA is helpful in this regard with the phrase “substantially limits their prospects of entry into, or advancement in, employment”.

The consideration of these criticisms and other definitions together with the research analysis will be considered in developing a strategy to employ persons with disabilities.

For purposes of this research the concept “disability” needs to have a meaning which is accepted. To adopt a different definition than the official South African definition would cause difficulties in the survey process which forms part of the research phase of the study. It was subsequently decided that the concept “disability” would be regarded to mean the same as “people with disabilities” as defined in section 1 of the EEA.

The inadequacies of this definition are seen as a significant contributor to the difficulties experienced by persons with disabilities in finding meaningful employment. The definition is based on the medical model and views the impairment as the cause of the inability to attain success or promotion in the workplace (CHPI and SAFCD 2001:18 and 19). However, the operationalisation of the term “disability” for purposes of this research and the recommendation to amend the definition of persons with disabilities for employment purposes must be distinguished from each other. It could result in a different understanding amongst respondents if the description is changed in the beginning of the research. The definition requires to be changed but recommendations to this effect will be made as part of the research findings and conclusions.

Apart from the definitions discussed above, the disabled or handicapped population of South Africa can be divided into specific sub-groups relating to the nature of the disability.

Types of disabilities:

- Disability can be physical, mental or multiple disabilities that include both types of disabilities;

- physical disabilities include blindness, deafness, paraplegia, quadriplegia, deformation, amputation and cerebral palsy; and
- mental disabilities.

A person can be disabled from birth due to a genetic disorder, complications during birth or substance abuse by the mother and disability can also be acquired as a result of an accident, attempted suicide, a gunshot wound, a medical condition (such as a stroke, arthritis or epilepsy) or natural disasters ([http://www.saps.gov.za/docs\\_pubs/publications/pamphlets/disability.htm](http://www.saps.gov.za/docs_pubs/publications/pamphlets/disability.htm)).

## **2.4 THE CONSTRUCT: DISABILITY MANAGEMENT**

The construct disability management is a composite construct compiled specifically as a collective term for all the actions that human resource management practitioners should take related to the employment of persons with disabilities. Similar to the concept “human resource management and labour relations” referring to all the aspects relating to the employment of persons by organisations, disability management refers to all those human resource management and labour relations issues related to the employment of persons with disabilities specifically. In practical terms disability management would answer the question: how do I manage persons with disability in the workplace?

## **2.5 THE CONSTRUCT: LABOUR RELATIONS**

Similar to the construct disability, a single generally acceptable definition of labour relations does not exist. Various definitions have evolved over time reflecting variables relevant at the time. The first South African definition of labour relations which is relevant to the current era is the Wiehahn definition. This definition was drafted within the context of the beginning of the South African political changes. Wiehahn defined labour relations as a multi-dimensional complexity of relationships that exist in and emanate from the work situation in an organisational context, within the parameters of a socio-economic ideology which are determined by the state (Wiehahn 1982:443). The “socio-economic ideology” as well as the “complexity of

relationships” were depicting the reality of the time namely political instability, labour unrest and greater awareness of discrimination and a human rights culture. This era marks the beginning of the formalisation of labour relations as an inclusive system in South Africa.

Salamon (1989:1) describes an industrial society as a highly complex and dynamic arrangement of differentiated groups, activities and institutional relationships intertwined with a variety of attitudes and expectations. Slabbert et al (1990) confirms the systems approach by defining industrial relations as the establishment, development and maintenance of an acceptable, mutually advantageous interaction system between employers and workers under the protection of the state.

Bendix (1996:4) on the other hand approaches the definition from an academic perspective, namely that industrial relations may be described as encompassing a “study of relationships, the work situation and working man, the problems and issues of modern industrialised and industrialising society and of certain processes, structures, institutions and regulations, all of which are placed or occur within a specific social, political, economic and historical context and none of which can or should be studied in isolation.” The definition by Bendix, similar to the Wiehahn definition, reflects some of the complexities of the political and human rights transformation processes in South Africa at the time, but also contextualises it within the historical context of South Africa. The emphasis on the study of relationships is also very relevant, especially in researching the employment of persons with disabilities.

Swanepoel et al (1998:611 as quoted by Ehlers 2002:124) builds onto the abovementioned definitions and includes the concept “balancing the various interests.” His definition is as follows: “Labour relations as a topic in management science is viewed as being concerned with the relations (primarily collective but also to a lesser extent individual) between employer/s (and/or manager/s as the representatives of the employers) and workers (and/or their representatives such as trade unions) which develop from employment relationships and which are essentially concerned with balancing the various interests of, and regulating the levels of cooperation and conflict between, the parties involved. In all of this, the

government and its relevant representatives, institutions, structures, systems and laws obviously play an important, though secondary role.” The role of government, which is made out to be a secondary role, deviates from the concept of a three-party relationship in which all three parties are seen as equal partners, or at least government is seen as the “referee” in ensuring the balance between the employer and employee parties.

Finnemore (1998:1) indicates quite rightly that there is no simple definition of labour relations, because the term has come to include many things in both the public and private sectors, and wherever persons are employed to do work. Thus it includes relations *inter alia* in hospitals, schools, factories, shops, offices, on farms and even in the home between domestics and their employers. This definition confirms the multi-dimensionality of the labour relations field of research.

Grosset and Venter (1998:3) mention that the area of research is the practice of the constantly changing relationship between the parties to the labour relationship, and the various regulations, processes and structures which govern that relationship.

Morley et al (2006:2) indicate that the traditional definitions of industrial relations (Dunlop 1958) stress the rules governing the employment relationship. Over time the rules alter due to changes in the external environment including in areas such as the distribution of power in the wider society and employer-labour strategies. In short, the study of industrial relations is concerned with who makes the rules governing worker-management relations in the workplace, the nature of these rules and how they are administered and regulated.

Nel and Van Rooyen (1993:18) define “Industrial relations” as the relationship and interaction between workers and management, the structures designed to formalise the relationship and the systems created to support the interaction as a complex system of individual and collective actions as well as formal and informal relationships existing between the state, employers, employees and related institutions, concerning all aspects of the employment relationship.

Ehlers (2003:5) defines labour relations as those practices related to the continuous process of establishing and maintaining harmonious individual and/or collective labour relations, through various formal and/or informal communication processes and the application of rules, procedures, agreements, regulations, laws and/or power. These processes are aimed at facilitating the achievement of various individual, group, organisational and societal outcomes which require specific behaviour related to required levels of performance by organisational stakeholders who pursue common and conflicting objectives. The behaviour of stakeholders will be influenced by multiple variables that exist in a dynamic internal and external environment.

The main components of the definition by Ehlers (2003) and its relevance to the employment of persons with disabilities are described below:

- Practices – the exact nature of the practices is not indicated in the definition itself but it is clarified in the validated labour relations model which Ehlers developed as part of his research. These practices include all the human resource management and labour relations practices which are typically found in an organisation which employs people to work, namely recruitment, selection, placement, dismissal and others. These practices are equally applicable to persons with disabilities and to persons who are not disabled and these practices do have an impact on the employment (or unemployment) of persons with disabilities;
- continuous process – the process or systems approach as adopted by Anstey (1991), Slabbert et al (1990) and others is also reflected in this definition. The emphasis on the continuity of the process is implying the evolving nature of labour relations and the momentum which is inherent in the process;
- establish and maintain harmonious relations – what is meant by “harmonious relations” is not clearly stated. The literal meaning can be attached to it, namely that people work together to achieve a common set of objectives. The definition by Swanepoel et al (1998) describes this aspect in more detail, namely that it is about “balancing the various interests of, and regulating the levels of cooperation and conflict between, the parties involved”. In the normal labour relations arena this aspect can be explained by using an

example of wage negotiations: The employees and their representatives demand a wage increase and the employers respond with an offer which is lower. Parties then negotiate, using their respective positions of power to come to some agreement. Should this not be possible the government, through its structures, like the CCMA, intervenes;

- application of legislation and rules includes the Constitution, 1996, the EEA and other disability management related policies; and
- achieve various outcomes – in the typical labour relations sense this outcome is commonly interpreted as referring to basic conditions of employment outcomes and continued productivity.

In modern society work is central to a person's existence. People must work to continue to live, namely to earn money to buy a shelter, food, clothes and many other essentials (Bendix 1996:5). This also applies to persons with disabilities, perhaps even more so because to a large extent, persons with disabilities are regarded as amongst the poorest of the poor in South Africa at present.

In researching issues of disability management the approach to describing harmonious relations is not helpful since disability management is at present not an area of priority of either employers or labour unions. According to Ramaphosa (1994:83) there can be little doubt that trade unions and Cosatu in particular, have played a critical role in driving the political negotiations process preceding the 1994-elections forward, and keeping the process on track when the forces of reaction have attempted to place roadblocks in the way of democratisation. As the most organised sector of the mass movement, the unions have spear-headed the active involvement of civil society in the political process. In doing this, they have demanded that the process should belong to all the people of South Africa.

To make disability management a priority for employers and labour unions in terms of labour relations, is therefore possible.

The study of the employment of persons with disabilities therefore belongs to the labour relations field of study. Although the employment of persons with disabilities is not prominent on the agenda of the respective employers and employee

organisations in South Africa at present, the objective of this research is to develop a strategy to ensure that more persons with disabilities are employed in future. The development of the strategy will be guided by the respective components or elements emanating from the definitions of labour relations as described above.

The construct labour relations is therefore operationalised as per the definitions of Ehlers, 2003 and Swanepoel et al, 1998 and the main components of this definition and its relevance to the employment of persons with disabilities as discussed above.

## **2.6 THE CONSTRUCT: CONSTRAINTS**

The term often used to describe the challenges that persons with disabilities experience is “barrier”. The literal meaning of the word barrier is a fence or other obstacle that bars advance or access. It is further described to also mean an obstacle or circumstance that keeps people or things apart like a class barrier or a language barrier (Revised & Updated Illustrated Oxford Dictionary, 2003:72). The term “barrier” has become a common term which describes a large number of reasons, either perceived or real, why persons with disabilities are prevented from exercising their right to the opportunity to gain a living by working on an equal basis with others.

The process of affirming the rights of persons with disabilities in South Africa is well underway although it has not yet achieved maturity. To use a term like “barrier” which implies a sense of permanency would contradict the efforts being made to affirm the rights of persons with disabilities and therefore the word “constraint” is preferred for purposes of this research. The word constraint is described as the act or result of constraining or being constrained or a restriction (Revised & Updated Illustrated Oxford Dictionary, 2003:180).

The construct “constraints” is operationalised for purposes of this research to refer to those perceptions, policies, practices or management decisions which causes the deserving disabled job applicant to be unsuccessful in his or her application for employment or promotion. It is acknowledged that persons with disabilities do experience many constraints in their everyday life like obtaining access to buildings,

parking areas, etc., but in the context of this thesis constraints relate to those aspects which prevent a person with disabilities from being employed or from being given an equal opportunity to be successful in his or her employment.

## **2.7 VARIOUS HUMAN RESOURCE MANAGEMENT PRACTICES**

Middlemist et al (1983:5) define “Personnel management” as the integration and coordination of human resources in order to move effectively towards desired objectives. They further describe “personnel management activities” as those managerial processes that relate people (employees) to their various jobs and to the organisation that employs them including:

- Planning, designing and evaluating employees’ jobs, relating some jobs to other jobs, and determining how many people are needed to staff the jobs;
- recruiting, selecting, training, developing and motivating employees to perform jobs effectively; and
- providing satisfactory relationships between the organisation and people through fringe benefits, labour relations and quality of worklife programmes.

Since the formulation of this definition the human resource management and labour relations field of study has evolved significantly (Brewster et al 2008:2-4). The evolution of business management has required management and human resource management and labour relations practitioners to become partners in decision-making and to share accountability for organising the work to be performed, including where and the manner in which it is to be performed (Brewster et al 2008:3). Ulrich (1997 as in Brewster et al 2008:4) is further of the opinion that for human resource management professionals to be successful, they will have to play at least four different roles, namely strategic partner, administrative expert, employee champion and change agent. The success of a human resource management practitioner requires that the practitioner:

- Becomes involved with line managers in strategy formulation and implementation, resulting in the design of human resource management strategies that will support the overall organisational strategy;
- becomes an expert in the way work is organised and executed;

- becomes involved in reducing costs through administrative efficiency, while at the same time maintaining high quality by delivering state-of-the-art and innovative human resource management practices;
- becomes a reliable representative for employees when dealing with concerns that affect the employment relationship;
- becomes involved in efforts to enhance employee engagement; and
- becomes an agent for continuous organisational and cultural transformation (Brewster et al 2008:3).

If all these tasks are done well, the human resource management practitioner will receive the recognition he or she deserves within the organisation (Brewster et al 2008:3).

Within the context of the employment of persons with disabilities, like in the case of any other employee, all the human resource management practices are relevant. However, in order to achieve focus and maximum impact for the strategy to employ persons with disabilities, which will be developed as part of this research, human resource management practices have been analysed to determine which practices would likely constrain employing persons with disabilities more significantly. The most significant human resource management practice identified is “talent management” since it is the practice which identifies the individual to be employed and ensures that the individual stays employed.

According to Brewster et al (2008:15) the pressure on the human resource management function to become innovative and relevant in a demanding environment has begun in the late 1990’s. Due to this pressure the concept of talent management emerged during early 2000.

According to Schweyer (2004 as in Brewster et al 2008:15,16) talent management can be defined as follows:

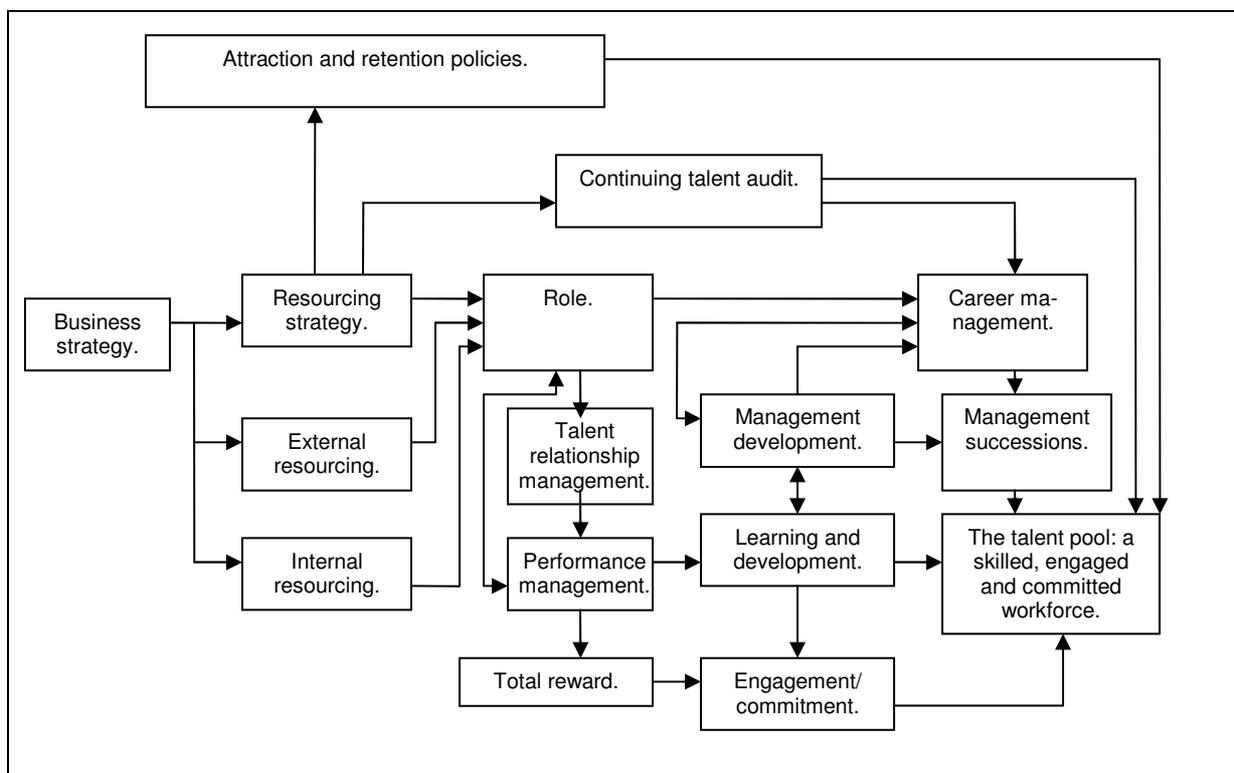
“...the sourcing (finding talent); screening (sorting of qualified and unqualified applicants); selection (assessment/testing, interviewing, reference/background checking etc. of applicants); on-boarding (offer generation/acceptance,

badging/security, payroll, facilities etc.); retention (measures to keep the talent that contributes to the success of the organisation); development (training, growth, assignments, etc.); deployment (optimal assignment of staff to projects, lateral opportunities, promotions, etc.); and renewal of the workforce with analysis and planning as the adhesive, overarching ingredient.”

Brewster et al (2008:16) concludes that talent management is the use of an integrated set of human resource management activities to ensure that an organisation attracts, retains, motivates and develops the talented people it needs now and in the future. He also indicates that the approach is not new but it bundles activities together to produce a more coherent whole.

Armstrong (2006:391 as in Brewster et al 2008:16) identifies the various elements of talent management and their relative interaction as set out in Table 5 below.

**Table 5: The elements of talent management**



Source: Armstrong (2006 as in Brewster et al 2008:16).

The relevance of talent management to the employment of persons with disabilities and specifically to the development of a strategy to employ persons with disabilities

is significant since it “bundles” together all the aspects which lead to the employment of people, and in the context of this research, specifically persons with disabilities (see Brewster et al above).

An area requiring further description is learning and development. Holland and De Cieri (2006) regard training (which is learning and development) as the planned or systematic efforts made by an employer to facilitate employees’ learning of the knowledge, skills and behaviour required to perform their jobs. Learning and development refer to the skills development of employees to ensure that they possess the necessary skills to perform their work effectively. The necessary skills referred to in this context is two-fold and include the learning and development of persons with disabilities to develop their job related competencies and further to managers and other employees to manage disability issues effectively in the workplace.

Performance management is also of material significance to the employment of persons with disabilities. It can be defined as a holistic approach and process towards the effective management of individuals and groups to ensure that their shared goals, as well as the organisational strategic objectives are achieved.

This process of performance management generally entails the following:

- Clarification and communication of organisational strategic objectives;
- the alignment of individual and group goals with the organisational objectives;
- the monitoring and measurement of individual and group performance;
- the early identification and reporting of deviations;
- the development of action plans to correct the deviations;
- the coaching and mentoring of individuals and groups; and
- the review of individual and group performance, and the re-evaluation of organisational processes.

Performance management therefore refers to the process of setting strategic objectives and performance standards, monitoring the achievement or otherwise of the strategic objectives and performance standards and the rewards or penalties

which will flow from the achievement or non-achievement of the performance standards by the individual employee. Apart from the significance of performance management to achieve organisational strategic objectives it is also a very important management tool.

Employee attraction and retention policies refer to the initiatives an employer takes to attract and retain deserving employees. Such initiatives could include share options, performance bonuses, personalised salary scales and other initiatives to compensate an employee. The total compensation package may be described in various ways. Henderson (2005), for instance, classifies compensation package into eight dimensions:

- Pay for work and performance;
- pay for time not worked;
- disability income continuation;
- deferred income;
- loss-of-job income continuation;
- health, accident liability protection;
- spouse (family) income continuation; and
- income equivalent payments.

Within the context of disability management employee attraction and compensation is very important. It is firstly an equality and rights-based issue, which is discussed extensively in the chapters to follow. Secondly, it is about an employer's attractiveness to persons with disabilities. An employee would apply for a position in an organisation which appears to be attractive.

## **2.8 THE CONSTRUCT: DISABILITY MANAGEMENT STRATEGY**

According to the Illustrated Oxford Dictionary (2003:822) "strategy" means the art of war, especially planning the movement of troops into favourable positions, a plan of

action or policy in business or politics. “Strategy” comes from the Greek word *stratēgia* for generalship.

According to Porter (1996: 68) strategy is the creation of a unique and valuable position, involving a different set of activities. In this sense, human resource management has a crucial role in building and not just supporting, business strategies.

Mintzberg (1987) provides five different definitions of strategy, all beginning with the letter “P” namely:

- Strategy is a plan, a consciously intended course of action, a guideline (or set of guidelines) to deal with a situation. It has two essential characteristics, namely it is developed consciously and purposefully.
- Strategy is a ploy, a specific “manoeuvre” intended to outwit an opponent or competitor.
- Strategy is a pattern or consistency in behaviour.
- Strategy is a position or a means of locating an organisation in its “environment”. In ecological terms, strategy becomes a “niche”. Position is usefully identified with respect to competitors (literally so in the military, where position becomes the site of the battle).
- Strategy is a perspective which looks inside the organisation and it becomes ingrained in the way people in the organisation perceive the world.

Mintzberg reasons that each of these definitions adds important elements to the understanding of strategy. It encourages the asking of fundamental questions about organisations in general.

A human resource management strategy expresses the intentions of an organisation about how it should manage its human resources. These intentions provide the basis for plans, developments and programmes for managing change. Typical questions the human resource management professional would ask when participating in the strategy process would be:

- What sort of people do we need in the business to achieve our mission?
- How can the required changes to our culture and value system be achieved?

- What are the implications of those plans for the future structure, HR systems, and resource requirements? (Brewster et al 2008:80).

Swamy (as in Brewster et al 2008:16) indicates that organisations can categorise strategic imperatives into two broad categories:

- An aspiration-driven imperative which consists of two components, namely a growth imperative (e.g. a merger or acquisition) and an efficiency-imperative (e.g. informal restructuring). The aspiration imperative thus comes from within.
- A situation-driven imperative which comes from external forces, e.g. a government-facilitated imperative (e.g. regulatory change) or a market-led imperative (e.g. cost-cutting to remain competitive).

Kaplan (date unknown) mentions that a gap arises due to a disconnection in most companies between strategy formulation and strategy execution. Seven out of eight companies in a global sample of 1,854 have failed to achieve profitable growth, though more than 90% of these companies had detailed strategic plans. The research determined that the disconnect between strategy and performance is due to the occurrence that most organisations do not have a strategy execution process. Many have strategic plans, but no coherent approach to manage the execution of those plans. Consequently, many key management processes remain disconnected from strategy.

According to Gay (2005:6) Franklin Covey asked 11 000 people in the US workforce about their strategy execution discipline. He found that more than 50% of employees working in large organisations are not focused on where the company wants to go, while 19% said they set goals about which they are passionate. Only 9% believed they had a clear line of sight between their own tasks and the organisation's most important tasks. In answering the question how a company achieves strategy Gay indicated that: "Strategies don't win unless there is rigorous execution. The workforce has to be helped to understand the "compass" and to be supported to execute the strategy. They need to perform, and to do that they will need a set of workforce interventions".

The objective of the research, namely to increase the employment of persons with disabilities requires a long-term plan of action which is intended to outwit the constraints which persons with disabilities experience in finding employment. The strategy will suggest consistent behavior from human resource management practitioners and managers to change the negative perceptions which may exist in employing persons with disabilities and ensure that the disability management strategy is implemented in a dedicated manner.

## **2.9 PREFERRED DISABILITY MANAGEMENT TERMINOLOGY**

Language reflects the social context in which terminology is developed and used. It therefore reflects the values and attitudes of that context, and plays an important role in reinforcing values and attitudes that lead to discrimination against and segregation of particular groups in society. Language can therefore be used as a powerful tool to facilitate change and bring about new values, attitudes and social integration. In the workplace which, in South Africa especially, is a gathering of diverse groups of people, the use of certain terminology is even more important. The use of terminology describing certain race groups in particular, has led to explosive situations, labour disputes, alleged unfair discrimination referrals to the Human Rights Commission and has in some instances also led to dismissals.

Persons with disabilities generally and employees with disabilities in particular are very sensitive to the use of language and terminology. Terminology has the effect of labelling persons with disabilities, stereotyping them, discriminating against them and ultimately creating a culture of non-acceptance. Certain terms can also be demeaning. The incorrect terminology describing persons with disabilities does not have the same explosive effect as terminology describing race at present, but as disability awareness is increasing it is likely to escalate in importance. It is also appropriate that persons and employees with disabilities are treated in a respectful and decent manner and employers should take steps to ensure that this do happen in practice. Unfamiliarity with certain terms may also make it uncomfortable for persons who are not sure of the acceptable manner in which persons with disabilities should be addressed.

Hendriks (2009:10) advises that with regard to development work in general, working *with* should always be used instead of working *for*, to emphasise popular participation and rights instead of charity approaches. She also indicates that she prefers not to use the random geographical division of North and South but rather “developed” and “developing” countries to distinguish countries that mostly give aid and technical assistance, and countries that mostly receive it. She also stresses that in terms of vocabulary, stigmatising words like “retard” or “invalid” are out of the question and she prefers referring to “blind” or “low vision” people instead of “people with a visual impairment” which may not be entirely politically correct but much more comfortable. These preferences do exist and it creates uncertainty for individuals not familiar with this area.

In the context of this research therefore, human resource management practitioners may find it difficult to engage with unfamiliar terrain if they are not certain of the correct terminology to use and the reasons why. In drafting policy documents, misinterpretation could easily result if terminology is not commonly understood.

According to the Disability Etiquette Handbook of the City of San Antonio (date unknown – [www.sanantonio.org](http://www.sanantonio.org)) “....persons with disabilities are foremost people. Only secondarily do they have one or more disability condition, hence they prefer to be referred to as persons with disabilities”. The preferred terminology as it relates to the English language is consequently discussed in Table 6 below.

**Table 6: Preferred and unacceptable terminology**

PREFERRED TERMINOLOGY	UNACCEPTABLE TERMINOLOGY	REASONS TO AVOID UN-ACCEPTABLE TERMINOLOGY
Disabled person. Persons with disabilities. Person with a disability. Employee with a disability. Employees with disabilities.	Physically challenged. Deformed. Deformity. Birth defect. Cripple. Crippled. Differently-abled. Defective. Defect. Deformed. Vegetable.	Cast disabilities as a negative and the image conveyed is of a twisted, deformed, useless body. These words are offensive, dehumanising, degrading and stigmatising.

PREFERRED TERMINOLOGY	UNACCEPTABLE TERMINOLOGY	REASONS TO AVOID UN-ACCEPTABLE TERMINOLOGY
Disabilities, a general term used for functional limitations that interfere with a person's ability, for example to walk, hear or lift. It may refer to a physical, mental or sensory condition.	Handicap.	Handicap derives from the phrase "cap in hand", referring to a beggar.
	Suffers from.	Indicates ongoing pain and torment which is not accurate.
	Afflicted with.	Denotes a disease. A disability is not an affliction.
Persons who had a spinal cord injury, polio, a stroke, a person who has multiple sclerosis, etc.	Victim of.	Persons with disabilities do not like to be perceived as victims. It creates the impression that they are helpless.
Uses a wheelchair.	Wheelchair-bound. Confined to a wheelchair.	Wheelchairs are a convenient mode of transportation, not prisons. They are viewed as liberating. Bound/confined belies the fact that many persons with motor disabilities engage in activities without their wheelchairs like driving and sleeping.
Able-bodied. Persons without disabilities.	Normal. Whole.	"Healthy" when used to contrast with "disabled" implies that the person with a disability is unhealthy. Many persons with disabilities have excellent health.
Deaf (with a capital D). Deafness, hearing impaired. "Deafness" refers to a person who has a total loss of hearing. "Hearing impairment" refers to a person who has a partial loss of hearing within a range from slight to severe. "Hard of hearing" describes a hearing impaired person who communicates through speaking and speech-reading, and who usually has listening and hearing abilities adequate for ordinary telephone communication. Many hard of hearing individuals use a hearing aid.	Deaf-mute. Deaf and Dumb.	The inability to hear or speak does not indicate a level of intelligence.
Person with Down Syndrome.	Mongol. Mongoloid.	

PREFERRED TERMINOLOGY	UNACCEPTABLE TERMINOLOGY	REASONS TO AVOID UN-ACCEPTABLE TERMINOLOGY
Person with an intellectual disability. Person with a psychiatric disability. Person who has a mental or developmental disability.	Mentally retarded. Mentally challenged. Insane. Slow learner. Learning disabled. Brain damaged. Retarded. Moron. Imbecile. Idiot.	These terms are offensive.
Person with cerebral palsy. Persons with spinal cord injuries.	Cerebral palsied. Spinal cord injured. Spastic.	Don't identify persons solely by their disability.
Person with epilepsy. Child with a seizure disorder.	Epileptic (either as a noun or adjective).	
Person of short stature.	Dwarf. Midget.	
Man/women with paraplegia. He/she has quadriplegia.	Paraplegic or quadriplegic (either as a noun or adjective).	

(Adjusted from: City of San Antonio Disability Handbook – [www.sanantonio.gov/planning/disability\\_handbook/deh12.asp](http://www.sanantonio.gov/planning/disability_handbook/deh12.asp);  
 Digh (year unknown) in A Pocket Guide on Disability Equity,  
 Digh 1999 in Misplaced Modifiers: Respectful Language Improves Accuracy; and  
 Disability Language and Etiquette, Barking and Dagenheim Council, 2001).

The use of the appropriate terminology could only be internalised through awareness training in the workplace. This matter will be addressed in the strategy detailed in Chapter 10.

## 2.10 SUMMARY

The contribution of this chapter to the research process and the development of a strategy to employ persons with disabilities can be summarised as follows:

- The chapter conceptualises the most commonly used constructs in this research in order to create clarity when used.
- The constructs identified are those which have been identified by the researcher as causing confusion in the minds of human resource management and labour relations practitioners and managers when considering appointing persons with disabilities.

- The constructs disability is operationalised to mean persons who have a long term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in employment.
- According to Altman, 2001, Madons, 2006 and Jahiel, 2007 there is common agreement that no single and acceptable social definition of disability exists.
- Jahiel, 2007 and Albrecht and DeVlieger, 1999 indicated further that disability is discussed mostly either in terms of function or of social labelling but seldom in terms of its relationship to the quality of life of persons in situations of disability.
- For purposes of this research the concept “disability” needs to have a meaning which is accepted. To adopt a different definition than the official South African definition would cause difficulties in the survey process which forms part of the research phase of the study. It was subsequently decided that the concept “disability” would be regarded to mean the same as “persons with disabilities” as defined in section 1 of the EEA.
- The inadequacies of this definition are seen as a significant contributor to the difficulties experienced by persons with disabilities in finding meaningful employment. The definition is based on the medical model and views the impairment as the cause of the inability to attain success or promotion in the workplace (CHPI and SAFCD 2001:18 and 19). However, the operationalisation of the term “disability” for purposes of this research and the recommendation to amend the definition of persons with disabilities for employment purposes must be distinguished from each other. It could result in a different understanding amongst respondents if the description is changed in the beginning of the research. The definition requires to be changed but recommendations to this effect will be made as part of the research findings and conclusions.
- The construct disability management is a composite construct compiled specifically as a collective term for all the actions that human resource management and labour relations practitioners should take related to the employment of persons with disabilities. Similar to the concept “human resource and labour relations management” referring to all the aspects relating to the employment of persons by organisations, disability management refers to all those human resource management and labour

relations issues related to the employment of persons with disabilities specifically.

- Various definitions of labour relations have evolved over time reflecting variables relevant at the time. The first South African definition of labour relations which is relevant to the current era is the Wiehahn definition.
- The study of the employment of persons with disabilities is belonging to the labour relations field of study. Although the employment of persons with disabilities is not prominent on the agenda of the respective employers and employee organisations in South Africa at present, the objective of this research is to develop a strategy to ensure that more persons with disabilities are employed in future.
- The construct labour relations is operationalised as per the definitions of Ehlers, 2003 and Swanepoel, 1998 and the main components of this definition and its relevance to the employment of persons with disabilities as discussed above.
- Labour relations are defined as those practices related to the continuous process of establishing and maintaining harmonious individual and/or collective labour relations, through various formal and/or informal communication processes and the application of rules, procedures, agreements, regulations, laws and/or power. These processes are aimed at facilitating the achievement of various individual, group, organisational and societal outcomes which require specific behaviour related to required levels of performance by organisational stakeholders who pursue common and conflicting objectives. The behaviour of stakeholders will be influenced by multiple variables that exist in a dynamic internal and external environment.
- In modern society work is central to a person's existence. People must work to continue to live, namely to earn money to buy a shelter, food, clothes and many other essentials (Bendix 1989:5).
- The word constraint is described as the act or result of constraining or being constrained or a restriction (Revised & Updated Illustrated Oxford Dictionary, 2003:180).
- The construct "constraints" is operationalised for purposes of this research to refer to those perceptions, policies, practices or management decisions

which cause the deserving disabled job applicant to be unsuccessful in his or her application for employment or promotion.

- The relevance of talent management to the employment of persons with disabilities and specifically to the development of a strategy to employ persons with disabilities is significant since it “bundles” together all the aspects which lead to the employment of people, and in the context of this research, specifically persons with disabilities.
- The objective of the research, namely to increase the employment of persons with disabilities requires a long-term plan of action which is intended to outwit the constraints which persons with disabilities experience in finding employment. The strategy will suggest consistent behaviour from human resource management and labour relations practitioners and managers to change the negative perceptions which may exist in employing persons with disabilities.
- Human resource management and labour relations practitioners may find it difficult to engage with unfamiliar terrain if they are not certain of the correct terminology to use and the reasons why. In drafting policy documents, misinterpretation could easily result if terminology is not commonly understood.
- Language is a powerful tool to facilitate change and bring about new values, attitudes and social integration and persons with disabilities generally and employees in particular, are very sensitive to the use of language and terminology.

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## CHAPTER 3

### DISABILITY IN THE CONTEXT OF EMPLOYMENT

*“From the beginning of time, humankind has wrestled with the paradox of what to do with persons with disabilities. In ancient times, they were simply put to death. They were a burden on the tribe. In ancient Greece there were two cities. Sparta removed the weak and the elderly for the good of the rest. In Athens, the warrior class protected the weak.” (Thomas E. Stax M.D. as in Encyclopaedia of Special Education 2007:2061)*

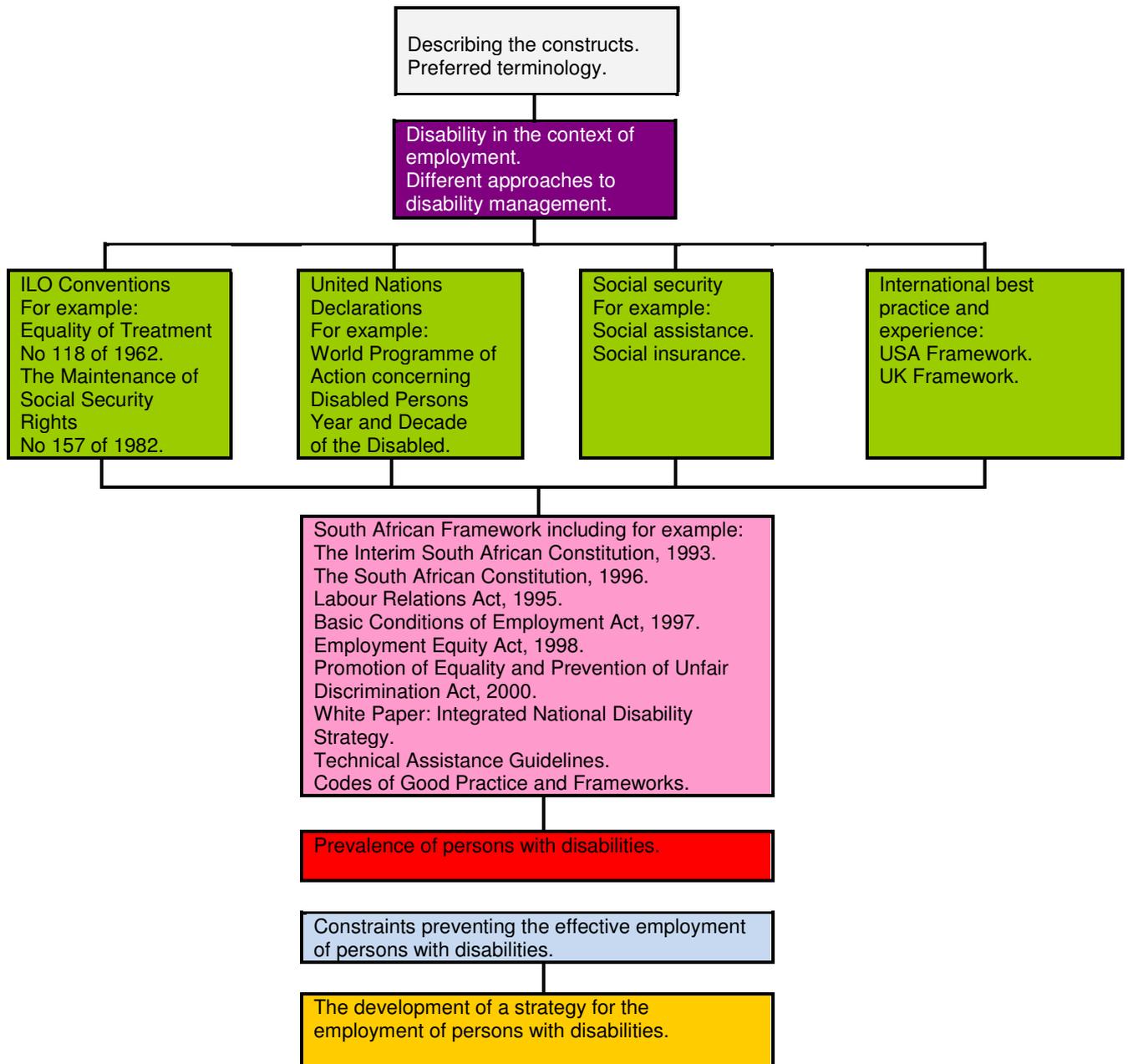
#### 3.1 INTRODUCTION

This chapter endeavours to create an understanding of disability and the historical evolution of the various disability models. The chapter further reflects on disability management in the context of employment.

The discussion of the different models for disability management creates a platform from which the human resource management and labour relations field of research can implement strategies to increase the employment levels of persons with disabilities, which is the purpose of this research. The discussion in this chapter is therefore comprehensive to ensure that the models and the approaches to disability management which emanate from these approaches are properly contextualised.

Disability as a field of research has evolved over many years. Through the evolution process different schools of thought can be identified which are articulated in different models. Disability management has evolved from a moral approach to a medical approach, to a social approach. This evolution of the models is a result of the emergence of human rights, internationally and nationally, with a significant impact on the manner in which disability is managed. The contemporary model prevailing in South Africa, termed for purposes of this research as a social-political model, is discussed.

**Table 7: Disability management literature review research framework**



This chapter forms the basis from which a strategy can be developed to manage disability in the context of employment. The relevant contributions of this chapter to the research, whether contributing or contradicting to the purpose of the research, will be presented in the summary at the end of this chapter.

The relative position of the discussion in the overall literature review research framework is presented in purple in Table 7 above.

### 3.2 DIFFERENT APPROACHES TO DISABILITY MANAGEMENT

A number of disability models have been identified which captured the thinking about disability at a specific time period in history. The earlier models were not formal as they were merely a reflection of society's response to persons with disabilities. It is not possible to attach a specific date to the development of these models. In the developed countries the progress through these different models took place much earlier than in developing countries. In certain countries the development is still to take place.

The following key characteristics (as adopted from Kaplan date unknown) were used as a basis for examination of these models:

- Knowledge base – this indicates the origin of the model and creates an understanding of the principles underlying the relevant approach;
- roles – it refers to the context or source of the relevant model and the roles which exist within this context;
- rules and relationships – refers to the manner in which policies and practices are developed and how role-players interact; and
- shortcomings – it refers to shortcomings and criticisms of each model.

The key characteristics of the different models of disability, in the approximate order as they evolved over time, can be summarised as follows in accordance with the key characteristics identified above:

**Table 8: Key characteristics of the most prominent disability models**

MODEL	KNOWLEDGE BASE	ROLES	RULES AND RELATIONSHIPS	SHORTCOMINGS
Moral model.	➤ Oldest model but it is less prevalent today.	<ul style="list-style-type: none"> <li>➤ Many cultures associated disability with sin and shame.</li> <li>➤ Disability often associated with feelings of guilt.</li> </ul>	<ul style="list-style-type: none"> <li>➤ This model views disabilities as burdensome or an embarrassment.</li> <li>➤ Families have hidden away the disabled family member, keeping them out of society.</li> </ul>	➤ This model reflects society as it was in earlier years before the advent of human rights and social awareness.
Traditional model.	➤ Based on culturally and	➤ The roles persons with disabilities may	➤ A person with disabilities may be	➤ The model is culturally relative.

MODEL	KNOWLEDGE BASE	ROLES	RULES AND RELATIONSHIPS	SHORTCOMINGS
	<p>religiously determined knowledge, views and practices.</p> <ul style="list-style-type: none"> <li>➤ Depending on cosmology, social organisation and other factors, cultures show a broad range of perspectives which place persons with disabilities on a continuum from human to non-human.</li> <li>➤ Some cultures practised infanticide.</li> </ul>	<p>assume within a given culture range from participant to pariah.</p>	<p>perceived as demonic or unfortunate.</p> <ul style="list-style-type: none"> <li>➤ Person with disabilities may be an outcast.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Objective, scientifically based knowledge is not associated with this model.</li> </ul>
Tragedy/charity model.	<ul style="list-style-type: none"> <li>➤ Used by charities during fund raising.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Graphically illustrated in the televised children-in-need appeals.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Negative victim image.</li> <li>➤ Oppressive to persons with disabilities.</li> <li>➤ Persons with disabilities are seen as pitiful.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Model is regarded as disabling.</li> <li>➤ This approach segregates persons with disabilities.</li> <li>➤ It tends to create pity.</li> </ul>
Medical model.	<ul style="list-style-type: none"> <li>➤ Based on scientific views and practices in medical professions.</li> <li>➤ The problem is located within the body of the person with a disability.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The context of the medical model is the clinic or the institution.</li> <li>➤ Persons with disabilities assume the role of patient.</li> <li>➤ This role may either be of short or long term nature depending on the individual's condition, policies related to the institutionalisation, community support and professional and</li> </ul>	<ul style="list-style-type: none"> <li>➤ Authority lies with professionals.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The bio-medical perception of normalcy and the narrow band of legitimate knowledge which is usually medical and health related.</li> <li>➤ The perspective of the person with a disability and social factors is not routinely within the knowledge base of the medical model.</li> <li>➤ The person with a disability is</li> </ul>

MODEL	KNOWLEDGE BASE	ROLES	RULES AND RELATIONSHIPS	SHORTCOMINGS
		social attitudes towards disability.		removed from the broader society and treated separately.
Rehabilitation model.	<ul style="list-style-type: none"> <li>➤ An offspring of the medical model.</li> <li>➤ It regards disability as a deficiency that can be fixed by rehabilitation professionals.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The rehabilitation professional can provide therapy and other services to make up the deficiency caused by the disability.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Historically it gained acceptance after World War II when many disabled war veterans needed to be re-introduced into society.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Does not reflect modern society thinking.</li> </ul>
Disability model.	<ul style="list-style-type: none"> <li>➤ This model developed in opposition of the medical and rehabilitation models.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Disability rights and independent living movements initiated this model.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Social discrimination is recognised as the most significant problem experienced by persons with disabilities.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The model never fully developed as it was overtaken by the development of the social model.</li> </ul>
Economic model.	<ul style="list-style-type: none"> <li>➤ Disability is defined by a person's inability to be economically active.</li> </ul>	<ul style="list-style-type: none"> <li>➤ It assesses the degree to which impairment affects an individual's productivity.</li> <li>➤ Used primarily by policy makers to assess the distribution of benefits.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The policy makers and economists see persons with disabilities as a problem to which they don't find an economically rational response.</li> </ul>	<ul style="list-style-type: none"> <li>➤ This model does not justify and support a socially desirable policy in economic terms.</li> <li>➤ Which option is better - namely to pay persons with disabilities a social grant or to employ them in a sensible manner.</li> </ul>
Social model.	<ul style="list-style-type: none"> <li>➤ Based on knowledge, experience, views and practices of persons with disabilities.</li> <li>➤ The problem is located within society rather than within the individual with a disability.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Individuals with disabilities are the authorities. This is captured in the slogan "nothing about us, without us!"</li> <li>➤ Persons with disabilities assume a range of roles, especially the advocate role, to pursue full expression of</li> </ul>	<ul style="list-style-type: none"> <li>➤ Rules are determined within a framework of choice and independent living with strong support from organised disability communities.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Limiting the causes of disability either exclusively to social and environmental policies and practices or advancing perceptions of disability in mainly industrialised countries that emphasise individual rights</li> </ul>

MODEL	KNOWLEDGE BASE	ROLES	RULES AND RELATIONSHIPS	SHORTCOMINGS
		educational and employment opportunities and citizenship.		rather than advancing broader economic rights that may reflect the needs of impoverished developing countries. ➤ This model is seen as the only acceptable model.
Socio-political model.	<ul style="list-style-type: none"> <li>➤ This is the South African model.</li> <li>➤ Located in the social environment.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Provides for support and leadership at a political level but is driven by the community of persons with disabilities.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Takes cognisance that disability is a social construct and that most effects are inflicted upon persons with disabilities by their social environment.</li> </ul>	<ul style="list-style-type: none"> <li>➤ This model is relatively new and needs to be researched further and more clearly defined.</li> </ul>
Integrative model.	<ul style="list-style-type: none"> <li>➤ Broad knowledge base ranging from medicine to literature which is informed by the experience of persons with disabilities.</li> <li>➤ This model is still being construed.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Persons with disabilities have many roles, including citizen and patient.</li> </ul>	<ul style="list-style-type: none"> <li>➤ There are a number of evolving policies and practices representing this model.</li> </ul>	<ul style="list-style-type: none"> <li>➤ This model is relatively new and also needs to be researched further and more clearly defined.</li> </ul>

(Adopted from Kaplan date unknown, Kluth 2006, Albert 2004, AMHCW and Michigan Disability Rights Coalition, 2005 -2007).

The moral model is the oldest model and the least prevalent today. This model associates disability with sin and shame (Kaplan date unknown). It is also associated with feelings of guilt. This model is particularly burdensome for the disabled person as families sometimes even hide the disabled person away to avoid shame.

The traditional model is described as a belief that persons with physical, sensory or mental impairments were under the spell of witchcraft, possessed by demons, or as penitent sinners being punished by God for wrong-doing by themselves or their parents (Kaplan date unknown).

Kaplan (date unknown) and DPSA (2008) refers to the existence of more models (and definitions) namely, a rehabilitation model, disability model and a moral model. The rehabilitation model is an offshoot of the medical model, which regards disability as a deficiency that must be rehabilitated by rehabilitation professionals. The disability model, on the other hand, regards disability as a normal aspect of life and rejects the notion that persons with disabilities are defective.

The significant models namely the medical, social and South African models are discussed more comprehensively below.

### **3.2.1 MEDICAL MODEL**

The medical model was the first “formal model” and it reflects the mindset of society (particularly the medical profession) at a particular stage. Attributing the word “model” to the approaches which existed before the medical model is actually a misnomer and an overstatement. The approaches are more a reflection of history and the manner in which earlier communities dealt with persons with disabilities. It is against this background that the medical model developed. The medical profession must have realised that they could make a difference to the lives of persons with disabilities, and hence the medical model developed.

The medical model views disability as a problem of the person, directly caused by disease, trauma or other health conditions, which requires medical care provided in the form of treatment by medical and related professionals. Management of disability by these professionals is aimed at cure and behaviour change. Medical care is viewed as the main solution to this medical problem, and at the political level the principal response is that of modifying or reforming health policy (Introduction to the World Health Organisation International Classification Framework: 2001:20, Kaplan date unknown).

The medical model came about as modern medicine began to develop in the 19<sup>th</sup> century, along with the enhanced role of the physician in society. Since many disabilities have medical origins, persons with disabilities were expected to benefit from coming under the direction of the medical profession (Kaplan: date unknown).

The approach of this model is that it is based on assessments of impairments from a deficit point of view, against normality. The question therefore is what a person with disabilities cannot do, instead of what such a person can do. This approach is therefore suggesting that some persons are normal and that persons with disabilities are deviating from this norm. This is having a very important negative psychological impact on persons with disabilities.

The medical model of disability sees illness or disability as the result of a physical condition which is intrinsic to the individual (it is part of the individual's own body), may reduce the individual's quality of life and causes clear disadvantage to the individual ([http://en.wikipedia.org/wiki/Medical\\_model\\_of\\_disability](http://en.wikipedia.org/wiki/Medical_model_of_disability), Albert 2004:3, AMHCW). As a result, curing or managing illness or disability revolves around identifying the illness or disability, understanding it and learning to control and alter its course. This approach leads directly to persons with disabilities not joining in activities of society because they have impairments.

Emanating from the medical model, society focuses on compensating persons with impairments for what is "wrong" with their bodies. This is done through special welfare benefits and providing special segregated services. The social assistance field of research will be discussed in more detail in Chapter 4 of this research. The removal of persons with disabilities from society shapes the way disabled persons think about themselves. This negative message was internalised over time and persons with disabilities believed that all disabled persons' problems stem from not having "normal bodies".

The medical model usually emphasises the impairment rather than the deeper needs and abilities of the person. The power to enable persons with disabilities seems to lie within the medical and associated professions. Disability has historically been

regarded from within the medical model as a health and welfare issue, and state intervention was channelled through welfare institutions. The focus was on the impairments of persons as a “problem” to be fixed or treated, with little or no consideration of the context in which that person functioned, and in isolation and exclusion from mainstream life (Draft National Disability Framework, 2008 – unpublished, Riesner <http://inclusion.uwe.ac.uk>, Brisenden 1986, Albert 2004:3).

The medical approach has been severely criticised nationally and internationally. It is not clear when this criticism started. The first criticism was noted during 1976 when the UK-based organisation Union of the Physically Impaired Against Segregation, claimed that disability was the disadvantage or restriction of activity caused by a contemporary social organisation which takes little or no account of persons who have physical impairments and thus excludes them from participation in the mainstream of social activities ([http://en.wikipedia.org/wiki/Social\\_model\\_of\\_disability](http://en.wikipedia.org/wiki/Social_model_of_disability)).

Criticism pointed out that the medical model is “...rooted in an undue emphasis on clinical diagnosis, the very nature of which is destined to lead to a partial and inhibiting view of the disabled individual” (Brisenden 1986:1). Further criticism is that the medical model does not address the challenges of a modern society. According to the White Paper on an Integrated National Disability Strategy (INDS 1997:9) disabled persons and their families have been isolated from their communities and mainstream activities. Dependency on state assistance has disempowered persons with disabilities and has seriously reduced their capacity and confidence to interact on an equal level with other persons in society.

The main implications of this criticism is that it leads to the “exclusion” of the disabled from society and that it sees the disabled person as having a “problem”. The criticism developed when human rights and disability rights specifically came to the forefront. If it is kept in mind that the disability rights movement was formed mainly by persons with disabilities to make their suffering known, it basically became the first time that persons with disabilities made themselves heard.

The medical model should be seen as a point of evolution, and although medicine and the medical profession still plays a significant role in disability management, society has now learnt more and is following a more holistic approach.

### **3.2.2 SOCIAL MODEL**

The social model views disability mainly as a socially created problem preventing the full integration of persons with disabilities into society and the workplace. Disability is not an attribute of an individual, but rather a complex collection of conditions, many of which are created by the social and work environments. The management of the “problem” therefore requires social action, and it is the collective responsibility of society at large to make the environmental modifications necessary for the full participation of persons with disabilities in all areas of social and work life. The issue is therefore an attitudinal or ideological one requiring social change, which at the political level becomes a question of human rights. This model emphasises the political context of disability management (Introduction to the ICF 2001:20).

The social model of disability proposes that constraints, prejudice and exclusion by society (purposefully or inadvertently) are the ultimate factors defining who is disabled and who not in a particular society. It recognises that while some persons have physical, intellectual or psychological differences from a statistical mean, which may sometimes be impairments, these differences do not have to lead to disability unless society fails to accommodate and include them in the way it would those who are “normal”. The phrase “differently abled” is sometimes used to convey an aspect of the social model of disability. It further mentions that the origin of the approach can be traced to the 1960s and the Civil Rights Movement and that the term emerged from the United Kingdom during 1983. Olivier, 1983 held the view that the medical model is actually not a medical model but an “individual model” which is an idea he took from the distinction originally made between impairment and disability by the Union of Physically Impaired Against Segregation, 1976 ([http://en.wikipedia.org/wiki/Social\\_model\\_of\\_disability](http://en.wikipedia.org/wiki/Social_model_of_disability)).

One of the significant differences between the medical model and the social model is that “...The social model has been worked out by disabled persons themselves. Our

experiences have shown us that in reality most of the problems we face are caused by the way society is organised” (www.disabilitywales.org, Kluth 2006:2, www.circlesnetwork.org.uk/models\_of\_disability.htm). In Table 9 the social and medical models are compared with regard to the different disability management solutions they propose for enhancing participation of persons with disabilities in the workplace.

**Table 9: Disability management solutions presented by the social and medical models**

EMPLOYMENT RELATED DISABILITY ISSUE	SOCIAL MODEL SOLUTIONS	MEDICAL MODEL SOLUTIONS
Cannot perform work due to painful hands, unable to open jars or doors, unable to hold work tools.	Better designed lids, automatic doors, and work tools.	Medication or operations are required to take away the pain and increase the functionality.
Difficulty in standing for long periods.	More seats, or specially designed seats, differently designed production processes allowing the employee to be comfortable.	Medication or operations are required to take away the pain and increase the functionality.
“Housebound” or “confined to a wheelchair”.	Design ramps and lifts in all buildings, also accessible transport/parking spaces, workplaces designed to be disability friendly.	Medication or operations are required to take away the pain and increase the functionality.
Cannot hear or see.	Recognition and use of sign language and Braille/raised letters in the workplace, enhanced technology as part of reasonable accommodation.	Medication or operations are required to take away the pain and increase the functionality.

(Adopted from www.disabilitywales.org, also based on Olivier, 1990 and <http://www.jarmin.com/demos/course/awareness/print.html>).

The social model of disability suggests that the collective disadvantage of disabled persons “is due to a complex form of institutional discrimination. This discrimination is fundamental to the way society thinks and operates. The social model is based on the belief that the circumstances of persons with disabilities and the discrimination they face are socially created phenomena and have little to do with the impairments of persons with disabilities. The disability rights movement points out that the “cure” to the “problem” of disability lies in restructuring society” (INDS 1997:11). Quinn and Degener (2002:10) indicate that in essence the human rights perspective of disability

means viewing persons with disabilities as subjects and not as objects. It entails moving away from viewing persons with disabilities as problems to viewing them as rights holders. Problems are located outside the person.

Waddington (1995:60) premises that the social model of disability is based thereon that the integration of persons with disabilities entails the removal of physical and attitudinal constraints and not on “normalisation” or cure.

The fundamental aspect of the social model concerns equality and accessibility, whereas the medical model emphasises the difference or the disability of persons with disabilities. The social model has drawn the distinction between the words “impairment” and “disability”. “Impairment” is used to refer to the actual attributes (or loss of attributes) of a person, whereas “disability” refers to the restrictions caused by society when it does not give equal attention to the needs of individuals with impairments ([http://en.wikipedia.org/wiki/Social\\_model\\_of\\_disability](http://en.wikipedia.org/wiki/Social_model_of_disability)).

Olivier (1990) indicates that there is a danger in discussing issues related to disability and if we are not careful we will spend all our time considering what we mean by the different models. These semantic discussions will obscure the real issues in disability, which are about oppression, discrimination, inequality and poverty.

Albert (2004:8) concludes that the social model of disability represents a protean challenge to traditional thinking about disability. In the development context it has the potential to transform policies and practices as well as the lives of disabled persons, however, neither it nor a human rights approach are magic words.

### **3.2.3 THE SOUTH AFRICAN MODEL**

The White Paper on an Integrated National Disability Strategy (INDS 1997:i) “...represents the government’s thinking about what it can contribute to the development of disabled people and to the promotion and protection of their rights”. It also emphasises that it was developed through a thorough process of consultation with all the relevant organisations of and for the disabled. The INDS (1997) is

therefore an important document in the research of disability management in South Africa.

The INDS (1997) follows a socio-political approach to disability. The socio-political approach originates from the perspective of the social model and it leads to fundamentally different policy priorities and choices mainly around disabling barriers and a strong emphasis on human and civil rights (Albert 2004:3). Disability is therefore located in the social environment, but in a supportive political environment. This takes cognisance of disabled persons' viewpoint that disability is a social construct and that most of its effects are inflicted upon persons with disabilities by their social environment. Persons with disabilities can therefore actively contribute to changing the social construct by advocating and lobbying in the political domain for improvements in their material and legal situation. By doing this the social model has promoted the idea that persons with disabilities should be actors in their own lives rather than passive recipients of care (Albert 2004:4).

The further distinct difference between the South African and the other models is the emphasis that it places on employing persons with disabilities. This characteristic is discussed further in Chapter 5.

Seelman (2004) indicates a number of international trends which illustrate the importance of re-examining disability models that are operative in countries and international organisations. The first trend involves conflict between health professionals who identify with the medical model and persons with disabilities who identify with the social model. The second trend involves technology. Increasingly, access to technology is associated with human rights as reflected in the ADA. The third trend involves rehabilitation research itself. The fourth trend involves the struggles of social welfare programmes and their administrators who try to keep benefit programmes solvent while serving growing numbers of persons with disabilities. The fifth trend is poverty, a barrier to the support of disability programmes in developing countries, where the majority of persons with disabilities live.

Upon analysis, these trends are addressed in the South African model as expressed in the INDS (1997) and related policies. These trends further reflect some of the challenges experienced by persons with disabilities on a daily basis. Especially the fifth trend (poverty) is a significant challenge. As mentioned in Chapter 1, persons with disabilities are amongst the poorest of the poor. Albert (2004:4) stresses that the social model is so powerful because it illuminates the facts that the roots of poverty and powerlessness do not reside in biology but in society.

Barnes (1997:3) points out those socio/political themes of disability that can be divided into two distinct but linked traditions, one American and the other British. The first draws heavily on American functionalism and deviance theory while the second is rooted in the materialist analysis of history associated with Max (1970 – as in Barnes 1997). The American theory explains the “social construction” of the problem of disability as an evolution of contemporary society while the British theory maintains that disability and dependence are the “social creation” of industrial capitalism.

The relevance of the various models and the five trends identified by Seelman (2004) is significant since employment of persons with disabilities is a fundamental policy guideline in the INDS (1997). The medical model approach does not encourage employment. It would however not be accurate to indicate that it restricts employment. The issue rather is that it does not aim to ensure that persons with disabilities are employed while the social model, and specifically the socio-political model, views employment of persons with disabilities as one of the critical policy guidelines.

### **3.3 SUMMARY**

The contribution of this chapter to the research process and the development of a strategy to employ persons with disabilities can be summarised as follows:

- This chapter creates an understanding of disability as a field of research generally and the historical evolution thereof.
- Through the evolution many different schools of thought can be identified which are articulated in different models.

- Deep-rooted thinking exists in terms of the various disability models. The thinking reflected in each of the various models originates from the perspective of the field of research and the community from which the model originates.
- The models evolved from a moral approach to a medical approach to a social approach. This evolution is a result of the emergence of human rights, internationally and nationally, with a significant impact on the manner in which disability is managed.
- The medical model of disability sees illness or disability as the result of a physical condition which is intrinsic to the individual (it is part of the individual's own body).
- This approach leads directly to persons with disabilities not joining in activities of society because they have impairments.
- The fundamental aspect of the social model concerns equality and accessibility, whereas the medical model emphasises the difference or the disability of persons with disabilities.
- The social model of disability proposes that constraints and prejudice and exclusion by society (purposefully or inadvertently) are the ultimate factors defining who is disabled and who not in a particular society.
- The significant difference between the medical model and the social model is that the social model has been developed by persons with disabilities themselves.
- Prominent authors warn that there is a danger in getting caught up in semantic discussions about disability since such discussions could obscure the real issues in disability, which are about oppression, discrimination, inequality and poverty.
- Disability management is not a familiar topic in South Africa and an analysis in the context of employment creates a platform from which the human resource management field of research (including labour relations management) can implement strategies to increase the employment levels of persons with disabilities.
- The South African disability management model was developed through a thorough process of consultation with all the relevant organisations of and for the disabled. It follows a socio-political approach to disability. Disability is

therefore located in the social environment, supported by the political environment. This takes cognisance of disabled persons' viewpoint that disability is a social construct and that most of its effects are inflicted upon persons with disabilities by their social environment. Persons with disabilities can therefore actively contribute to changing the social construct by advocating and lobbying in the political domain for improvements in their material and legal situation.

- The comment made by Olivier (1990) is very relevant since it became clear that the various research fields prefer to operate in silos. Little effort is being made to incorporate the different models into a single all-encompassing model which can serve persons with disabilities better. The common denominator is better service to persons with disabilities. It is wrong of the different models to claim sole propriety of the rights of persons with disabilities.
- The further distinct difference between the South African and the other models is the emphasis that it places on employing persons with disabilities. This characteristic is discussed further in Chapter 5.
- The various models on thinking about disability, and the five trends identified by Seelman (2004) are significant for effective disability management in South Africa.

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## CHAPTER 4

### INTERNATIONAL DISABILITY MANAGEMENT POLICY FRAMEWORK

“...the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries”. Constitution of the International Labour Organisation ([www.ilo.org/ilolex/english/iloconst.htm](http://www.ilo.org/ilolex/english/iloconst.htm)).

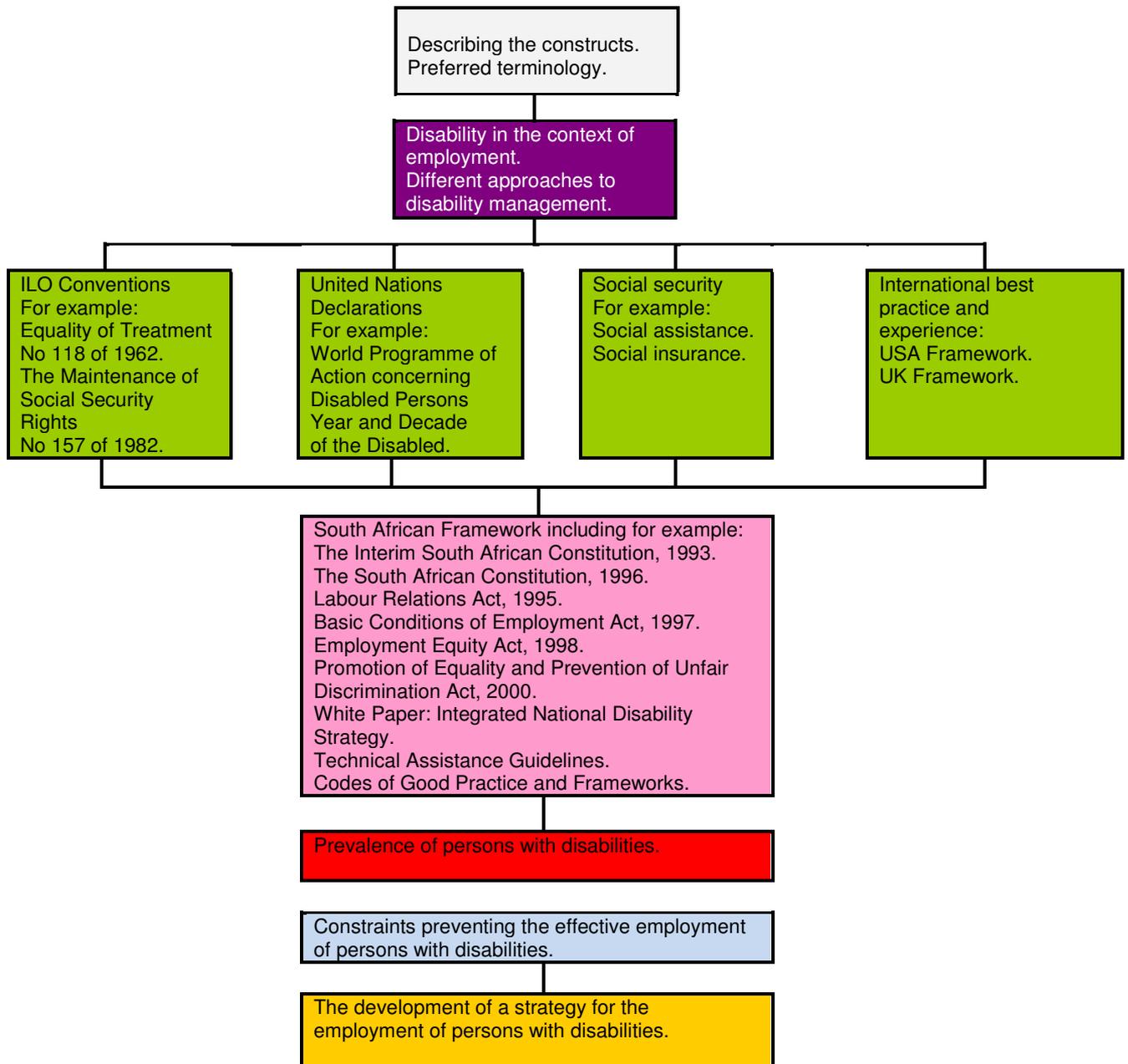
#### 4.1 INTRODUCTION

The purpose of this chapter is threefold namely, to identify the different strands of social security and its impact on disability management, the international policy framework related to disability management and the international principles and conventions on which it is based and lastly, the disability management frameworks in the United States of America (USA) and the United Kingdom (UK).

The relevance of this chapter to the development of a strategy to employ persons with disabilities is that social security and the international disability policy framework guided the development of the South African disability management policy framework. The international disability management policy framework started many years ago (as early as 1944) while the South African disability management policy framework only came into place after 1994, and specifically during 1997 when the INDS (1997) was published. International practice also provided a benchmark for the South African disability policy framework.

The international policy framework is discussed as far as it is relevant to the employment of persons with disabilities. The aspects which are relevant to the South African disability policy framework and employment of persons with disabilities are specifically identified and elaborated upon. The relevant positive and negative contributors to the development of a strategy to increase the employment of persons with disabilities, identified from the literature study of the international disability policy framework and social security, will serve as basis in analysing the South African disability management framework and will impact on the strategy to employ persons with disabilities. The relevant part of the Disability Management Research framework dealt with in this chapter is coloured green.

**Table 10: Disability management literature review research framework**



## 4.2 SOCIAL SECURITY

### 4.2.1 DEVELOPMENT OF THE EARLY WELFARE SYSTEMS

Thompson et al (1999:4) introduces the concept of social security and the obligation of a state to provide such security as a relatively new phenomenon which has developed rapidly since the latter part of the 20<sup>th</sup> century. Today the obligation to provide for social security is entrenched in the constitutions of most democracies.

Strydom (2006:1) confirms that in modern times it is a common phenomenon for society to be involved in the welfare of its members who are unable to provide for themselves. This is usually done through statutory measures. Strydom (2006:1) points out that less than 150 years ago destitute citizens from countries which are today considered to be developed countries, could not count on their governments for assistance. Instead they had to rely on, amongst others, their families and the church for assistance.

Marshal, a British social historian, had enormous influence with his thesis of a three-stage development of the rights of citizens ending with the emergence of social rights (Siegel 1994:23 and 24). The work of Marshal led to the recognition of social protection to every citizen as a matter of legal right.

The Great Depression during the 1930s as well as the First and Second World Wars of the 20<sup>th</sup> century, contributed to the development of the current systems of social security (O'Day and Berkowitz 2001: 634). The Great Depression played a particularly important role in the development of a social security system in the USA. It caused large numbers of breadwinners to lose their jobs, compelling the national government to assist destitute families. The First and Second World Wars caused devastation in Europe. It ruined economies and left many persons homeless and displaced, created many orphans, caused the death of large numbers of breadwinners and left a vast number of breadwinners without jobs (Strydom, 2006:2).

Most African countries at present have large numbers of destitute persons resulting from high unemployment, the lack of sufficient funds and the inefficient administration of funds. In addition, the Aids pandemic is likely to increase the demand for disability benefits dramatically, work related dependents benefits, foster care and adoptive care for children orphaned by AIDS (Strydom 2006:3).

O'Day and Berkowitz (2001:633) state that disability benefit programmes as part of a social safety net often face common complaints that they are growing too fast, they have become too expensive and they do a less than adequate job in returning

persons to work once they are on the benefit rolls. This is a challenge faced in South Africa at present.

#### 4.2.2 THE DIFFERENT STRANDS OF SOCIAL SECURITY

According to CHPI and SAFCD (2001:6) and the White Paper for Social Welfare (1997:48), social security refers to a wider range of public and private measures that provide cash or in-kind benefits or both. Social security includes both social insurance and social assistance.

Pieters (1993 as in CHPI & SAFCD 2001:12)) defines social security as the “body of arrangements shaping the solidarity with persons facing (the threat of) a lack of earnings (that is, from paid labour) or particular costs”.

The ILO (1952) defines social security as follows in Convention 102 of 1952: “..... it can be taken to mean the protection which society provides for its members, through a series of public measures, against the economic and social distress that otherwise will be caused by the stoppage or substantial reduction of earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age and death; the provision of medical care; and the provision of subsidies for families with children” (Convention 102 of 1952, www.ilo.org, Strydom, 2006:4, Thompson, et al, 1999:14, 15, CHPI and SAFCD 2001). In summary the following elements can be distinguished in the ILO’s definition of social security:

**Table 11: Summary of the elements of the ILO’s definition of social security**

<p>Protection by society through a series of public measures such as the payment of benefits, or the provision of things such as medical care to members of society who have no or insufficient income as a result of the occurrence of one or more of the following contingencies:</p> <ul style="list-style-type: none"> <li>➤ A condition which requires medical care;</li> <li>➤ sickness which incapacitates a person;</li> <li>➤ unemployment;</li> <li>➤ old age;</li> <li>➤ death of the breadwinner;</li> <li>➤ an employment injury;</li> <li>➤ the continued expense of raising a family;</li> <li>➤ pregnancy; and</li> <li>➤ invalidity which causes an inability to work.</li> </ul>
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(Source: Strydom 2006:5 and 6).

The ILO's definition can be described as relatively narrow, as it does not cover all the strands or categories of social security. However, it does cover social assistance (also known as social welfare) and social insurance, which are undoubtedly the two most important strands of social security. It also covers the strand called employer assistance (Strydom 2006:6).

Furthermore, the contingencies in the ILO definition, with the exception of a condition requiring medical care and the maintenance of children, are all linked to a lack of income due to the cessation or interruption of employment. The definition does not cover contingencies such as individual or community crises, hardship and suffering caused by the state, and the lack of opportunities for the disadvantaged members of the society (Strydom 2006:6).

Pieters (1993:1 as quoted by Strydom 2006) criticises the ILO definition because it describes the material scope of application causing the definition not to leave sufficient room for the development of new answers to new challenges. Pieters suggests the following definition:

“Social security can be perceived as the body of arrangements shaping the solidarity with people facing (the threat of) a lack of income from paid labour or facing particular costs.”

Although the ILO definition is not a broad all-encompassing definition that covers all the strands of social security and every contingency against which social security can be provided, it remains a good point of departure for the research of social security (Strydom, 2006:6). It provides better direction than the definition by Pieters (1993) since it identifies specific areas of focus.

The South African definition differs from the ILO definition and Pieters' definition in an important sense: both the ILO and Pieters' definitions refer to social security as public measures while the South African definition includes private forms of social security, including private medical aids, retirement schemes and life insurance. In so doing, it is broader than the international definitions of social security. In a positive sense it includes a wider scope of protection for more persons but it could be

regarded as excusing the government from performing its full Constitutional duty (CHPI & SAFCD, 2001:12).

There is a larger variety of strands, or categories of social security, than social insurance and social assistance. The variety of strands of social security is funded differently. Some of the strands are financed through taxes while others are financed through contributions by individuals or organisations. Some of the strands are restricting benefits to those members of society that comply with a means test while others restrict benefits to employees (Strydom 2006:6).

The various strands also provide assistance in respect of different contingencies. There are strands that cover contingencies linked to employment, such as employment injury or unemployment. Other strands cover contingencies that occur outside the workplace, such as community crises caused by natural disasters or the hardship caused by a government (Strydom 2006:6). Table 12 illustrates the different strands and sub-strands of social security:

**Table 12: Strands and sub-strands of social security**

➤	Social assistance-
○	means-tested social assistance.
○	national social assistance.
➤	Social insurance.
➤	Social relief.
➤	Social compensation.
➤	Social upliftment.
➤	Employer assistance.
➤	Private savings and assistance.

(Source: Strydom 2006:7).

The different strands and sub-strands are detailed below. Some of these strands directly relate to the employment of employees, including employees with disabilities, while others relate to the social responsibility of a government towards its citizens. The different strands and sub-strands of social security either directly or indirectly impact upon persons with disabilities and it largely reflects the thinking that policy makers are having in respect of disability issues.

**Table 13: Summary of the characteristics of the various strands of social security**

SOCIAL ASSISTANCE	SOCIAL INSURANCE	SOCIAL RELIEF	SOCIAL COMPENSATION	SOCIAL UPLIFTMENT	EMPLOYER ASSISTANCE	PRIVATE SAVINGS AND ASSISTANCE
<b>Characteristics</b>						
Often established through “poor laws” and it is a well-known form of social welfare.	Form of insurance established by means of a contract between the insurer and the insured.	Short-term measures undertaken by a state to assist citizens during individual or community crises.	Refers to compensation which governments give to express their solidarity with people who have been exposed to certain types of hardship caused by a government or its predecessor.	To address poverty and people who have been disadvantaged through for example: government policies.	The providing of assistance by employers to employees in respect of certain contingencies. It could either be compulsory or voluntary.	Self-funded.
<b>Causes</b>						
<ul style="list-style-type: none"> <li>➤ A condition requiring medical care.</li> <li>➤ Sickness which incapacitates a person.</li> <li>➤ Old age.</li> <li>➤ Death of a breadwinner.</li> <li>➤ Cost of raising a family.</li> <li>➤ Invalidity.</li> </ul>	<ul style="list-style-type: none"> <li>➤ A condition requiring medical care.</li> <li>➤ Ill-health.</li> <li>➤ Unemployment.</li> <li>➤ Old age.</li> <li>➤ Death of breadwinner.</li> <li>➤ Employment injury.</li> <li>➤ Pregnancy and confinement.</li> <li>➤ Invalidity.</li> </ul>	Hardship caused by personal or community crises.	<ul style="list-style-type: none"> <li>➤ War.</li> <li>➤ Victims of compulsory vaccination that went wrong.</li> <li>➤ Persons who lost everything to fight in a revolution.</li> <li>➤ Violation of basic human rights.</li> </ul>	Lack of opportunity for some people.	<ul style="list-style-type: none"> <li>Sickness which incapacitates a person.</li> <li>➤ Unemployment due to the operational requirements of the employer.</li> <li>➤ Death of a close relative of an employee.</li> <li>➤ Illness of a child of an</li> </ul>	Not relevant.



SOCIAL ASSISTANCE	SOCIAL INSURANCE	SOCIAL RELIEF	SOCIAL COMPENSATION	SOCIAL UPLIFTMENT	EMPLOYER ASSISTANCE	PRIVATE SAVINGS AND ASSISTANCE
					employee. ➤ Birth of a child of a male employee. ➤ Pregnancy and confinement. ➤ Invalidity.	
<b>Responsibility</b>						
Exclusive responsibility of the state.	The individual with assistance from employer in some instances.	Exclusive responsibility of the state.	Exclusive responsibility of the state.	Mainly the responsibility of the state.	Mainly the responsibility of the employer.	Exclusive the responsibility of the individual.
<b>How regulated</b>						
Regulated through legislation.	Regulated through legislation.	Regulated through legislation.	Regulated through legislation.	Regulated through legislation or voluntary undertakings and agreements.	Largely regulated through collective/ labour agreements.	Regulated through legislation.
<b>Funding</b>						
Funded through taxes.	Self-financed through regular contributions.	Funded through taxes.	Funded through taxes.	Funded through taxes or funding or levies.	Mainly funded by an employer but employees sometimes contribute.	Self-financed through regular contributions.
<b>Temporary or permanent</b>						
Permanent for as long as the condition continues.	Usually permanent upon occurrence of the insured event.	Temporary to tide a person over for the period of crises or until social assistance is	Temporary.	Temporary.	Temporary.	Temporary.

SOCIAL ASSISTANCE	SOCIAL INSURANCE	SOCIAL RELIEF	SOCIAL COMPENSATION	SOCIAL UPLIFTMENT	EMPLOYER ASSISTANCE	PRIVATE SAVINGS AND ASSISTANCE
		paid.				
<b>Qualifying criteria</b>						
Means tested or national social assistance.	Well-described circumstances in respect of each of the contingencies insured against.	Nature of the crises often requires whether compliance with a means test is required.	Means test is not always required.	Means test is not always required.	Well-described in respect of certain contingencies.	Not relevant.
<b>Form of assistance</b>						
Monetary payment.	Monetary payment.	Monetary payment.	Monetary payment.	Monetary payment.	Monetary payment.	Monetary payment.

(Developed from Strydom, 2006).

The relevance of the various strands of social security on disability and employment is embedded in the nature and character of each of the strands. Social security, and specifically social welfare, can be traced back to the industrial revolution and the history depicted above indicates the reasons why social security systems began to develop. The very nature of this development process has not focussed on the management of disability but rather on providing people with a monetary payment as a form of assistance. The provision of money was deemed to be sufficient to solve the problem.

The form of assistance provided, combined with the past medical model thinking would often place persons with disabilities in a disadvantaged position. The receipt of social assistance is often seen as a sympathetic hand-out and not as part of a more comprehensive strategy which is aimed at restoring the dignity of a person with disabilities and to re-introduce them into the mainstream of society and economic activity as soon as possible. It also creates the mental state that a person is only “good enough” to receive social security and not good enough to earn a living through work.

It is also a well-known phenomenon that individuals receiving social assistance, give up the challenge to better themselves as they become dependent on the social assistance, without them having to make a meaningful contribution for it.

The decline in the employment of economically active disabled males and females as depicted in Chapter 6 could result from this. Although the causes of this decline have not been researched scientifically, it is likely that the decline is due to the payment of the disability grant. The reason for this likelihood is that the majority of persons with disabilities have no or limited schooling resulting in them being employed, if at all, at the minimum wage. The effort of employment and the costs related thereto like amongst others, transport and clothing, could easily make it a better financial proposition to rather receive the disability grant than to work. Social security could, therefore, have a direct negative impact on the employment of persons with disabilities.

Social assistance, with its origin in Europe, has also led towards the need arising for the establishment of the ILO. The conventions of the ILO and the UN, which are discussed below, can be clearly identified in accordance with the various strands of social security. Social security has also evolved into the concept of basic human rights, captured in legislation. As can be seen from Strydom (2006) social security developed in response to human suffering. The initial response was voluntary, mainly to avoid uprisings from the suffering masses. The evolvement of political systems and basic human rights has ensured that social security became legislated and even entrenched into constitutions of many countries.

Despite the protective measures, persons with disabilities continue to remain poverty stricken. Their exclusion from mainstream society, their difficulty to access services and to exercise their basic rights, has contributed to a serious limitation in the capacity to implement disability related programmes, especially in rural areas of the country. One of the key factors that contribute to this ongoing negative situation is the fact that disability issues have been addressed in a piecemeal, fragmented fashion, coupled with a serious lack of reliable information on the nature and prevalence of disability within South Africa. For many persons with disabilities their reduced opportunities for education, training and employment contribute to their

increased exposure to poverty and poor living conditions. As a result many adults and children with disabilities require income maintenance mechanisms to compensate for their lack of income (Bhagvanjic AM and Skurd R as quoted in CHPI and SAFCD 2001:9, 10).

The most fundamental form of provisioning entails “safety nets”, that is, various forms of social security, insurance and assistance aimed mainly at poverty alleviation, safety nets against destitution and to ensure an adequate standard of living. They achieve this by attempting to raise the incomes and standards of living of those individuals and families in dire poverty; smoothing income over the life-cycle; compensating for the inability to work (through disability, retrenchment, illness); and by meeting the needs of particularly vulnerable groups (CHPI & SAFCD, 2001:10).

There are, however, three general aims to any social protection policy:

- Avoid risk where possible (prevention). An example of this in South Africa is occupational safety legislation in the form of the Occupational Health and Safety Act and the Occupational Diseases in Mines and Works Act which aims to avoid injuries and diseases in the workplace.
- Repair the damage (reparation). An example of this in South Africa is the Restitution of Land Rights Act and other land reform legislation.
- Compensation (in the form of benefits). Where an injury does occur in the workplace, the Compensation Commissioner will ensure that the injured worker is paid compensation for the injury in terms of the Compensation for Occupational Injuries and Diseases Act (CIODA) (CHPI & SAFCD, 2001:11).

#### **4.3 THE CONTRIBUTION OF THE INTERNATIONAL LABOUR ORGANISATION TO DISABILITY MANAGEMENT**

The disability and employment policy framework internationally evolved over time from a very comprehensive set of Conventions, Regulations and Strategies/Policies. A critical component of this evolution is the ILO.

The ILO emerged with the League of Nations from the Treaty of Versailles in 1919. It was founded to give expression to the growing concern for social reform, including for soldiers and citizens emerging from World War I as disabled, and the conviction that any reform had to be conducted at an international level. It was specifically stated that "... conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled" (Rules of the Game 2009:6, Christianson 2007:156,157).

One of the earliest international acknowledgements of the right of persons with disabilities to have access to work opportunities was made by the ILO in 1944. In a comprehensive and far-seeing recommendation, the ILO stated unequivocally that disabled, "whatever the origin of their disability, should be provided with full opportunities for rehabilitation, specialised vocational guidance, training and retraining, and employment on useful work" (ILO Employment Recommendation No. 71, 1944, O'Reilly 2003:2). The ILO promulgated that persons with disabilities should, wherever possible, be trained with other workers, under the same conditions and the same pay, and called for equality of employment opportunities for disabled workers and for affirmative action to promote the employment of workers with serious disabilities (O'Reilly 2003:2).

Following World War II, the basic goals and principles of the ILO were restated in the Declaration of Philadelphia. The Declaration anticipated post-war growth in national independence and large scale cooperation with the developing world. In 1946, the ILO became the first specialised agency associated with the UN, which was newly formed at that time (Christianson 2007:156,157).

The ILO has a tripartite structure in which employer representatives and employee representatives have an equal voice with the governments who are members of the ILO. Minimum international labour standards are set by the International Labour Conference, which meets annually. Every two years the Conference adopts the ILO's biennial work programme and budget, which is financed by member states ([www.ilo.org](http://www.ilo.org)). The focus of these programmes is on the areas covered by the ILO's four strategic objectives namely:

- The promotion of fundamental principles and rights at work;
- employment protection;
- social protection; and
- strengthening of tripartism and social dialogue.

What proved to be one of the most important international instruments in relation to the right to work of persons with disabilities, was adopted by the ILO in 1955, namely ILO Vocational Rehabilitation (Disability) Recommendation No. 99, 1955. Until the adoption of ILO Convention No. 159 and Recommendation No. 168 almost 30 years later, namely in 1983, Recommendation No. 99 served as the basis for national legislation and practice in relation to vocational guidance, vocational training and the placement of disabled persons. Recommendation No. 99 built on the core provisions of earlier instruments in relation, for example, to vocational training, equality of opportunity and equal pay for equal work (Christiaanson 2007:158).

The ILO's vision has developed into a comprehensive Decent Work Agenda which takes up many of the same challenges that the organisation faced at its inception. The Decent Work Agenda aims to achieve decent work for all by promoting social dialogue, social protection and employment creation, as well as respect for international labour standards. These standards have grown into a comprehensive system of "instruments" on work and social policy. They are the legal component of the ILO's strategy for governing globalisation, promoting sustainable development, eradicating poverty, and ensuring people can work in dignity and safety (Rules of the game 2009:7, [www.ilo.org/global](http://www.ilo.org/global)).

Within this framework, the major portion of the ILO's technical cooperation is in the areas of policy development and programmes for poverty alleviation through job creation, enterprise and cooperative development.

The ILO has also played an important role in the development of social security systems, not only in developed countries but also in developing countries. This was achieved through the adoption of conventions and recommendations that deal with social security and the contingencies in respect of which benefits must be provided (Strydom, 2006:3).

The ILO has made a significant contribution to the South African labour policy framework, and specifically to social security and the management of disability and employment of persons with disabilities. Its contribution can be identified clearly in the South African labour policy and legislation. This will be discussed in the next chapter of this research. South Africa is a member state of the ILO and subscribes to the conventions of the ILO. The contribution of the ILO is to “...show member states the way...” in certain areas concerning employment and South Africa has certainly followed this direction.

Through research, advocacy and lobbying the ILO sets out clear guidelines and member states are then, by implication of their membership, obliged to implement these guidelines.

It is unlikely that vulnerable groups, including persons with disabilities, would have received the protection by law against discrimination, if the ILO was not in existence.

The ILO can also be criticised, and specifically due to the following:

- The conventions are high level and sometimes require member states to develop complex legislation to enact these conventions;
- the non-compliance by member states is not dealt with actively as the ILO is a voluntary organisation, relying on the good faith of members to implement the conventions of the ILO;
- activists use the ILO as their platform from which to promote their cause and these causes are not always to the best benefit of member states based on the financial and other realities prevailing at the time; and
- the publications issued by the ILO are not widely circulated and is only available to a select group of activists, scholars and politicians who are familiar with the activities of the ILO.

Siegel (1994:27) says that the avoidance of the term “right to work” in most ILO instruments has helped the ILO Committee concerned with the application of labour standards, to be free to ignore such a right in its regular reviews of compliance.

These criticisms are overshadowed by the positive impact the ILO is having internationally on employment practice and specifically on the employment of persons with disabilities.

#### **4.4 THE CONTRIBUTION OF THE UNITED NATIONS TO DISABILITY MANAGEMENT**

The UN facilitates cooperation of nations concerning law, security, economic development, social development and basic human rights. It was founded in 1945 and has 192 member states. One of the most significant contributions of the UN is the Universal Declaration of Human Rights which was adopted in 1948.

The right of everyone to work, including persons with disabilities, was confirmed by the UN. Article 23 of the Universal Declaration of Human Rights states as follows: “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his or her family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests” (UN, Universal Declaration of Human rights, adopted by the General Assembly on 10 December 1948).

Internationally the UN launched its World Programme of Action concerning Disabled Persons many years later and declared 1981 the International year of the disabled. The purpose of the world programme was to promote effective measures for the prevention of disability, rehabilitation and the realisation of equal opportunities for persons with disabilities. Shortly thereafter the UN declared 1983 to 1993 as the decade of the disabled persons. The South African government at the time did not recognise the United Nations programme and this led to the rise of a disability rights movement within South African (INDS 1997:15).

The UN facilitated the drafting of Standard Rules for the Equalisation of Opportunities for Disabled Persons, which was adopted by the UN General

Assembly on 20 December 1993. The aim of these guidelines was to provide governments with clear direction in disability management.

The most recent and also most significant contribution of the UN to disability management was the implementation of the International Convention on the Rights of Persons with Disabilities and its Optional Protocol (ICRPD). According to Disabled Peoples' International (DPI) they called upon member states of the UN to adopt a specific international human rights treaty on the Rights of Persons with Disabilities. On 13 December 2006 (five years later) the UN General Assembly adopted the ICRPD (<http://v1.dpi.org/lang-en/index?page=18>). Mexico was the original sponsor of the proposal to pursue a UN Convention on the rights of persons with disabilities (International Rehabilitation Review 2002:7). The CRPD was the 8<sup>th</sup> core international human rights instrument created by the UN (Making It Work 2009:10).

South Africa signed both treaties on the day that they were opened for signature on 30 March 2007 and South Africa thereafter also became one of the first countries to deposit instruments of ratification for both treaties with the UN Secretary-General on 30 November 2007, showing its clear commitment to national and global implementation thereof (<http://v1.dpi.org/lang-en/index?page=18>).

The ICRPD incorporates 25 principles which are fundamental to the rights of persons with disabilities. The relevant principles are summarized as follows:

- Recognition of the inherent dignity, worth and the equal and inalienable rights of all members of the human family;
- everyone is entitled to all the rights and freedoms without distinction of any kind;
- guaranteed full employment without discrimination;
- recognising various international covenants aimed at protecting the rights of persons with disabilities;
- disability is an evolving concept which results from the interaction between persons with impairments and attitudinal and environmental constraints that hinder their full and effective participation in society on an equal basis with others;

- emphasising the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development;
- discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person;
- recognising the diversity of persons with disabilities;
- promote and protect the human rights of all persons with disabilities, including those who require more intensive support;
- persons with disabilities continue to face constraints in their participation as equal members of society and violations of their human rights in all parts of the world;
- the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities;
- the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices;
- active involvement of persons with disabilities in decision-making processes related to policies and programmes;
- concern about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination; and
- women and girls with disabilities are often at greater risk.

The signatories undertake to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability, namely to:

- Adopt all appropriate legislative, administrative and other measures;
- modify or abolish existing laws, regulations, customs and practices that constitutes discrimination against persons with disabilities;
- protect the human rights of persons with disabilities in all policies and programmes;
- refrain from engaging in any act or practice that is inconsistent with the present Convention;
- take all appropriate measures to eliminate discrimination on the basis of disability;
- understand or promote research and development of universally designed goods, services and equipment;

- promote research and development of new technologies;
- provide access to information to persons with disabilities about mobility aids, devices and assistive technologies; and
- promote the training of professionals and staff working with persons with disabilities in the rights recognised in the ICRPD.

Of particular relevance to this research the ICRPD (Article 27) determines that state parties should recognise the right of persons with disabilities to work, on an equal basis with others. This includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and a work environment that is open, inclusive and accessible to persons with disabilities. State parties are expected to safeguard and promote the realisation of the right to work, including those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, *inter alia*:

- Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting of businesses;
- employ persons with disabilities in the public sector;

- promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- promote the acquisition by persons with disabilities of work experience in the open labour market; and
- promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

This ICRPD has a particular relevance to this research as it emphasises the commitment of South Africa as a signatory to the ICRPD to promote employment opportunities and career advancement for persons with disabilities in the labour market as well as assistance in firstly, obtaining, maintaining and returning to employment. This research endeavours to respond to this ICRPD by providing a strategy for the employment of persons with disabilities.

The UN has a similar role as the ILO, apart from the fact that the ILO has an employment focus while the UN has a more general focus. The UN also includes employment issues in their conventions but these are generally well aligned with the ILO conventions. The general scope of the International Convention on the Rights of Persons with Disabilities and its Optional Protocol is indicative of this. The ICRPD deals with all aspects of disability management of which employment of persons with disabilities is but one area.

The most significant contribution of the UN is the role it played in confirming the social model and human rights approach to disability management issues. Quinn and Degener (2002:10) state that the switch to human rights perspective has been automatically endorsed at the United Nations level over the past two decades. The implementation of these rules by member states is monitored by a Special Rapporteur and reported on.

## 4.5 SELECTED EXAMPLES (COUNTRIES) OF INTERNATIONAL DISABILITY MANAGEMENT

There is no doubt that South Africa can learn from the international leader-countries with regard to disability management. For this purpose the USA and the UK were identified for a comparative discussion on the policies, structures and strategies they follow to manage disability.

### 4.5.1 REASONS FOR SELECTING CERTAIN COUNTRIES

It is important, at the outset, to explain the reasons the two countries are selected for purposes of a comparative discussion. In deciding which countries to study as “role models” a number of criteria were considered namely:

- Comprehensiveness of the countries’ disability management framework;
- accessibility of research material;
- participation of the country in international activities like the UN and ILO;
- level of employment of persons with disabilities in the country, reflecting the focus of the disability management framework on the employment of persons with disabilities; and
- politicisation of disability by persons with disabilities and their organisations.

In applying these criteria the USA and the UK were selected. The availability of literature to conduct such analysis was an important factor in making this selection. Although countries like Germany, Netherlands, France and other members of the European Union (EU) have made significant progress in implementing disability management strategies, the body of literature emanating from there is not as rich and as available in South Africa as in the selected two countries.

The role of the EU in establishing minimum standards for disability management practice and the process related thereto is also placing the emphasis on other aspects than the focus of this research.

In the UK the politicisation of disability by disabled persons and their organisations can be traced back to the 19th century (Campbell and Oliver 1996, Pagel 1988,

Barnes 1997). As discussed in Chapter 3, socio-political theories of disability can be divided into two distinct but linked traditions. The first draws heavily on American functionalism and deviance theory, explaining the “social construction” of the problem of disability as an outcome of the evolution of contemporary society while the second maintains that disability and dependence are the “social creation” of industrial capitalism. This served as the basis for the evolution of disability management, through many different stages, as a rights-based issue (Barnes 1997).

There are close relationships between the South African disability management system and those of the USA and the UK. The various similarities make a comparison of this nature meaningful to the development of a strategy to employ persons with disabilities in South Africa, especially because these two countries are far more advanced in respect of the employment of persons with disabilities. The lessons learnt by the USA and the UK can therefore enrich the South African experience and could lead to quicker results.

The other reason for selecting the USA and the UK is the overall employment rate for persons with disabilities in the USA and the UK. In the USA the overall employment rate for persons with disabilities in the age group 21 to 64 years, was 75.1%. This is only slightly below the overall employment rate of 80.5% in the USA (McNeil date unknown).

In the UK the figure is lower with 50% of persons with disabilities of a working age being employed compared to 80% of not disabled persons being employed (Dunneil 2008). Schriener (2001:645) states a lower number namely that two-thirds of people with disabilities in the UK do not work.

An assessment cannot be performed effectively without a standard framework which makes comparison possible at a later stage. The documents to be assessed vary widely and are not necessarily relevant in their entirety to this research. To make the assessment possible, a framework was developed consisting of the areas or criteria relevant to this research.

A framework of criteria for the assessment of a country's disability management strategy and the reason why each component of the framework is deemed to be relevant is presented in Table 14 below.

**Table 14: Appropriate criteria (areas) for assessment of a country's disability management strategy**

No	RELEVANT AREA	REASON/S FOR INCLUSION AS CRITERION
1.	Constitutional determination and protection against discrimination for persons with disability.	Since equality and protection against discrimination is a fundamental human right it is of particular relevance whether the rights of persons with disabilities are protected in the constitution of a country, or not. If disability is an area specifically protected in a country's constitution, it is expected that disability management would be well legislated and regulated.
2.	General legislative determination against discrimination and the protection of persons with disabilities.	It is of relevance whether a country has general legislation concerning disability management or legislation which is only focussed on employment of persons with disabilities. General legislation covers all aspects of disability management, which creates a more accommodative environment for disability management. The absence of general legislation leaves a vacuum and results in separate determinations of disability management in legislation dealing with education, employment, accessibility of the physical environment, etc. The coordination of these various pieces of legislation is cumbersome and could constrain the employment of persons with disabilities.
3.	Institutions responsible for the implementation and enforcement of the constitutional and legislative provisions.	The rights created in a constitution or legislation is of little value if the implementation thereof is not made the responsibility of a department or agency. Dedicated capacity should be made available to implement the constitutional and legislative provisions. Should a person with disabilities declare a dispute because he or she is of the view that established rights have been violated a structure which is easily accessible in every sense should be available to consider the matter.
4.	Definition of disability.	The definition of disability (as discussed in Chapter 2 of this research) is very important to the management of persons with disabilities. The definition could either be open and more inclusive of individuals with lesser disabilities or it can be exclusive of many persons with disabilities because of the strict requirements which are laid down. The definition of disability is the key around which disability centres, especially in the employment situation.

No	RELEVANT AREA	REASON/S FOR INCLUSION AS CRITERION
5.	Human resource management practices covered.	<p>The human resource management profession has a very important contribution to make to the employment of persons with disabilities. The various human resource management practices could constrain or enhance the employment of persons with disabilities. It would be useful to determine the manner in which other countries have adjusted the human resource management practices to enhance the employment of persons with disabilities. This analysis could assist to determine best practice and will inform the strategy to employ persons with disabilities, which is the primary objective of this research. The discussion on talent management in Chapter 2 of this research is of particular relevance. The specific practices that will be considered as part of this assessment are:</p> <ul style="list-style-type: none"> <li>➤ Recruitment and selection including medical and psychological testing, placement, compensation and benefits, confidentiality and disclosure;</li> <li>➤ training and career advancement;</li> <li>➤ performance management;</li> <li>➤ employee retention and exit management strategy; and</li> <li>➤ labour relations management strategy.</li> </ul>
6.	Reasonable accommodation.	<p>The levelling of the playing fields in the employment situation by means of reasonable accommodation is a very important aspect of the employment of persons with disabilities. The analysis will try to establish the extent to which an employer must go to reasonably accommodate an employee with disabilities. This analysis could assist to determine best practice and will inform the strategy to employ persons with disabilities, which is the primary objective of this research.</p>
7.	Comprehensiveness and user friendliness of the legislative and policy framework to support the human resource management profession, persons with disabilities and managers employing persons with disabilities.	<p>The analysis would indicate whether the legislative and policy framework are comprehensive by covering all aspects related to the employment of persons with disabilities and whether it is user friendly and easy to understand. The main question arising is whether the legislative and policy framework support the human resource management profession, persons with disabilities and managers in employing persons with disabilities.</p>
8.	General impact of the Constitutional determination, legislative framework and employment policy framework on the improvement of the employment numbers of persons with disabilities.	<p>The overall employment figures of persons with disabilities would be indicative of the impact the legislative and policy framework of a country is having on the employment of persons with disabilities. The higher the employment percentage the more positive the impact of the legislative and policy framework.</p>
9.	Employers and employer	<p>The three groupings have a role to play in the formulation and</p>

No	RELEVANT AREA	REASON/S FOR INCLUSION AS CRITERION
	organisations.	implementation of a disability management strategy. This role is very important to ensure the sustainable implementation of such strategy.
10.	Trade Unions.	
11.	Persons with disabilities.	

The relevant documents to be utilised for assessment do not deal directly with the aspects included in the framework. In analysing the relevant documents it will be indicated whether the relevant aspect is addressed in the particular document analysed.

#### 4.5.2 DISABILITY MANAGEMENT IN THE UNITED STATES OF AMERICA

##### 4.5.2.1 Early Developments

The development of a civil rights-based approach to human rights in the USA has a long history, but it became formalised only during 1963. The initial process was race-based and did not make specific reference to disability but more the general development of a civil rights approach. This was preceded by a decade or longer of insistent civil rights activism. The turning point came during the spring of 1963 when “...Americans and the world were shocked to see civil rights demonstrators beaten, attacked by police dogs, sprayed with high pressure hoses, arrested and jailed” ([www.eeoc.gov/abouteeoc/40th/panel/firstprinciples.html](http://www.eeoc.gov/abouteeoc/40th/panel/firstprinciples.html)). Shortly thereafter an incident occurred whereby a court order of the federal district court had to be enforced by the Alabama National Guard. The court order related to the admission of two black students to the University of Alabama ([www.eeoc.gov/abouteeoc/40th/panel/firstprinciples.html](http://www.eeoc.gov/abouteeoc/40th/panel/firstprinciples.html)).

Dr Martin Luther King Jnr made his “I have a dream” speech on 28 August 1963 which also had an impact on the proposed legislation. His speech was followed by the bombing of a black church in Alabama and the killing of several children. This led to the further strengthening of the key provisions of Title VII. The key features of this process included the establishment of the US Equal Employment Opportunity Commission and made Title VII applicable to all employers with more than 25 employees. The bill was sent to the Rules Committee the day before President

Kennedy was assassinated and it was signed into law on 2 July 1964 ([www.eeoc.gov/abouteeoc/40th/panel/firstprinciples.html](http://www.eeoc.gov/abouteeoc/40th/panel/firstprinciples.html)).

The legislation which came about as a result of these developments was the first major American civil rights legislation. Specifically Title VII of the legislation dealt with prohibitions of discrimination in employment.

#### 4.5.2.2 Present legislative and policy framework

The Americans with Disabilities Act of 1990 (ADA) is the pillar of the American disability management strategy. It aims to advance the civil rights for persons with disabilities. “The ADA was the nation’s commitment that its sorrowful legacy of oppression, segregation and inequality in dealing with disability would be overturned by ADA’s ‘clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities’ in which sweeping protections were provided in employment, public services, public accommodation and services operated by private entities, transportation and telecommunications. The ADA has been the impetus for a revolution in the inclusion, integration and empowerment of Americans with disabilities” (Introductory Paper: The Americans with Disabilities Act of 1990, October 2002). The ADA is comprehensive legislation and aims to legislate on all matters related to persons with disabilities. Other relevant legislation is the Rehabilitation Act of the USA which, as the title suggests, focuses on rehabilitation.

Employment of persons with disabilities is a critical aspect of the American disability strategy and as a result is comprehensively dealt with in the ADA. The focus of further discussions will therefore be the ADA.

The relevant areas of the ADA (and where relevant other legislation or policies) are described in Table 15 below:

**Table 15: Assessment of the disability management strategy of the United States of America**

No	RELEVANT CRITERIA/AREA	CONCISE DESCRIPTION OF CRITERIA/AREA
1.	Constitutional determination and protection against discrimination	Constitutional protection to the rights of persons with disabilities is provided for in terms of the protection of civil rights.



No	RELEVANT CRITERIA/AREA	CONCISE DESCRIPTION OF CRITERIA/AREA
	for persons with disability.	
2.	General legislative determination against discrimination and the protection of persons with disabilities.	Legislation gives effect to the constitutional protection namely The Americans with Disabilities Act, 1990 (ADA), its regulations and various codes. This legislation is very comprehensive and deals with every aspect of disability management in a detailed manner.
3.	Institutions responsible for the implementation and enforcement of the constitutional and legislative provisions.	The Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC) supported by the National Council on Disability are the main role players in disability strategy.
4.	Definition of disability.	The definition is based on the social model of disability and it is to be interpreted in favour of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally do not require extensive analysis. The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA. The definition is clear and understandable.
5.	Human resource management practices covered.	
5.1.	Recruitment and selection (including medical and psychological testing, placement, compensation, employment benefits, confidentiality and disclosure).	<p>Discrimination against individuals is prohibited in job application procedures, hiring, dismissal, advancement, compensation, job training, and other terms, conditions, and privileges of employment.</p> <p>A qualified individual with a disability who can satisfy the requisite skill, experience, education and other job-related requirements and perform the essential functions of a position with or without reasonable accommodation must be considered for employment.</p> <p>Job-related requirements, also known as “qualification standards”, may include the following:</p> <ul style="list-style-type: none"> <li>➤ Possessing specific training;</li> <li>➤ possessing specific licences or certificates;</li> <li>➤ possessing certain physical or mental abilities (e.g., meeting vision, hearing, or lifting requirements; showing an ability to run or climb; exercising good judgment);</li> <li>➤ meeting health or safety requirements; and</li> <li>➤ demonstrating certain attributes such as the ability to work with other persons or to work under pressure.</li> </ul> <p>Most jobs require that employees perform both “essential functions” and “marginal functions”.</p> <p>An employer is not required to lower quality or production standards to make an accommodation; nor is an employer</p>



No	RELEVANT CRITERIA/AREA	CONCISE DESCRIPTION OF CRITERIA/AREA
		<p>obligated to provide personal use items such as glasses or hearing aids.</p> <p>Employees with disabilities must meet qualification standards that are job-related and consistent with business necessity and must be able to perform the “essential functions” of the position, with or without reasonable accommodation.</p> <p>An employee with a disability must meet the same production standards, whether quantitative or qualitative, as a non-disabled employee in the same job.</p> <p>Lowering or changing a production standard because an employee cannot meet it due to a disability is not considered a reasonable accommodation.</p> <p>Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions.</p> <p>A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer’s business needs.</p>
5.2.	Training and career advancement.	Specific activities related to training and career advancement are limited.
5.3.	Performance management.	<p>The same performance standards apply to all employees, including employees with disabilities.</p> <p>The employer may evaluate the job performance of an employee with a disability differently from other employee’s performance, if it does not cause undue hardship.</p> <p>In many instances, an essential function can be performed in different ways (including with reasonable accommodation). An employee who must use an alternative method of performance because of a disability must be evaluated accordingly.</p> <p>If an employer gives a lower performance rating to an employee and the employee responds by revealing he or she has a disability that is causing the performance problem, the employer may still give the lower rating.</p> <p>The rating must reflect the employee’s performance regardless of</p>



No	RELEVANT CRITERIA/AREA	CONCISE DESCRIPTION OF CRITERIA/AREA
		<p>what role, if any, disability may have played.</p> <p>The employer may also seek appropriate medical documentation to learn if the condition meets the ADA's definition of "disability," whether and to what extent the disability is affecting job performance, and what accommodations may address the problem.</p> <p>The employer may also suggest possible accommodations.</p>
5.4.	Employee retention and exit management strategy.	Specific provisions do not exist.
5.5.	Labour relations management strategy.	<p>An employer may also discipline an employee with a disability for violating a conduct standard.</p> <p>An employer may hold the individual to the same conduct standards that it applies to all other employees, if the disability does not cause the misconduct.</p> <p>Private sector/state and local government employees who believe that their employment rights have been violated on the basis of disability and want to make a claim against an employer must file a "charge of discrimination" with the Equal Employment Opportunity (EEO) Commission.</p> <p>Before a formal investigation, the EEO Commission may select the charge for its mediation programme. Participation in mediation is free, voluntary, and confidential.</p> <p>An individual employed in the federal government who believes that his or her employment rights have been violated on the basis of disability and wants to make a claim against a federal agency must file a complaint with that agency.</p> <p>The first step is to contact an EEO Counsellor. The individual may choose to participate in either counselling or in Alternative Dispute Resolution (ADR).</p> <p>At the end of counselling, or if ADR is unsuccessful, the individual may file a complaint with the agency. The agency must conduct an investigation. If a complaint contains one or more issues that must be appealed to the Merit Systems Protection Board (MSPB), the complaint is processed under the MSPB's procedures.</p> <p>For all other EEO complaints, once the agency finishes its</p>

No	RELEVANT CRITERIA/AREA	CONCISE DESCRIPTION OF CRITERIA/AREA
		<p>investigation the complainant may request a hearing before an EEOC administrative judge or an immediate final decision from the agency.</p>
6.	Reasonable accommodation.	<p>Architectural constraints must be removed pro-actively to avoid discrimination.</p> <p>Employers may have to provide “reasonable accommodation” to enable an individual with a disability to meet a qualification standard that is job-related and consistent with business necessity or to perform the essential functions of a position.</p> <p>An employee generally has to request accommodation, but does not have to use the term “reasonable accommodation” or even “accommodation” to put the employer on notice.</p> <p>An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer’s business.</p> <p>Employers are required to modify attendance policies as a reasonable accommodation, but it should not cause undue hardship.</p> <p>An employer may require an employee with a disability to observe a dress code but where an employee’s disability makes it difficult for him to comply fully with a dress code, an employer may be able to provide a reasonable accommodation. If the employee cannot meet the dress code because of a disability, the employer may still require compliance if the dress code is job-related and consistent with business necessity.</p> <p>The employer may not tell a co-worker that an employee is receiving a reasonable accommodation.</p>
7.	Comprehensiveness and user friendliness of the legislative and policy framework to support the human resource management profession, persons with disabilities and managers in employing persons with disabilities.	<p>The ADA and its various technical assistance guidelines are easily accessible. These documents have been laid out clearly and it was written in a style which is easily understood. The level of detail in especially the guidelines is extensive and easy to understand examples are provided to clarify issues. The technical assistance guidelines especially are voluminous as a result of its comprehensiveness. It is however easy to read and to find the information required.</p>
8.	General impact of the Constitutional determination,	<p>From the literature under review the policy framework in the USA is having a significant impact on the employment of persons with</p>

No	RELEVANT CRITERIA/AREA	CONCISE DESCRIPTION OF CRITERIA/AREA
	legislative framework and employment policy framework on the improvement of the employment numbers of persons with disabilities.	<p>disabilities. The framework sets out to clearly remove the constraints persons with disabilities may experience in the workplace and it actively pursues the objective of employment of persons with disability.</p> <p>As can be noted from the high incidence of disputes raised within the disability context it is evident that conflict do prevail within the employment context. However, persons with disabilities do declare disputes if they are of the view that their rights are infringed upon. This confirms the rights of persons with disabilities and assists to continuously stimulate further development.</p>
9.	Employers and employer organisations.	<p>The disability management framework in the USA places an important responsibility on employers since they are obligated to comply with wide ranging legal and regulatory determinations.</p> <p>Although there is leeway in many instances the obligations of employers are clearly defined and must be complied with. Compliance is therefore not negotiable. This is a very important characteristic of the USA disability management framework.</p>
10.	Trade unions.	<p>The role of trade unions is insignificant in the implementation of the USA disability management framework. This is a further characteristic which is also significant.</p>
11.	Persons with disabilities.	<p>Institutions making an impact in the American disability management strategy are organisations to which persons with disabilities belong. These organisations are actively ensuring that the rights of persons with disabilities are recognised. This is one of the critical success factors in the USA disability management framework.</p>

Sources: Americans with Disabilities Act and Regulations, U.S. Department of Justice A Guide to Disability Rights Laws, September 2005, [www.1eeoc.gov/laws/statutes/ada.cfm?renderforprint=1](http://www.1eeoc.gov/laws/statutes/ada.cfm?renderforprint=1) accessed on 22 March 2010, National Council on Disability Introductory Paper: The Americans with Disabilities Act, Blanck, 2006.

In summary the American disability management strategy is built around the ADA and its Regulations. The ADA is very comprehensive and it is further enhanced with a number of detailed technical assistance guidelines. These guidelines provide practical examples which are easy to understand. The extent to which detail is addressed in these guidelines is exhaustive, which is helping to address all possible scenarios which employers may be faced with. According to the American Department of Justice the implementation of ADA is regarded as the cumulative

effect of many small actions taken pursuant to ADA. These actions are making the American society more accessible for persons with disabilities. The goal is to make life in America more comprehensively accessible for persons with disabilities, which is a step-by-step process: “Every sign language interpreter we get for a police department, every curb ramp that gets put in, every door widened, every requirement in restrictive zoning that gets removed is another advance in bringing about equal opportunity for persons with disabilities” (Wodatch 2006).

The question of reasonable accommodation and the cost thereof have been studied extensively by the EEOC. Wodatch (2006) voiced his opinion that it is a misconception that accessibility always costs money. Planning and thinking things through need not be resource intensive. While there are costs, they are often overestimated. Planning and thinking things through obviously need not be resource intensive. One of the major requirements of the ADA is that all new construction has to be accessible. Designing a door 36 inches wide so that it allows a wheelchair to pass through when opened costs no more than a 28-inch door. If you apply that in the process of looking at the laws, you can disabuse people of the notion that it will always cost money. Estimates suggest that 1 percent or less of construction costs goes to accessible features. Many accessibility features do not entail any costs at all (Wodatch, 2006).

According to the Federal Register/ Vol.74, No.183/ of 23 September 2009, a Preliminary Regulatory Impact Analysis had to be performed following the proposed revision of the ADA Regulations. In this analysis reference is made to a number of studies performed to determine the cost of reasonable accommodation. The studies referred to are:

- National Organisation on Disability/Harris survey, conducted in 1986, which found that 51% of corporations surveyed had made some accommodations for persons with disability. The same research was conducted in 1995 again and then it showed that 81% of corporations surveyed had made accommodation. It also reported that 80% of the executives of large companies reported that the cost associated with the accommodation of persons with disabilities had only increased a little or not at all.

- Helen, Schartz, Hendricks and Blanck found in 2006 that the mean cost of reasonable accommodation in the USA was \$865,43.
- Bruy're and Nishi during 2009 found that 50% of the accommodation requested by persons with disabilities cost the company no money, and 75% of accommodation cost less than \$500.

Although it is admitted that these three studies illustrate a large variance in the estimates of mean costs it is clear that the cost associated with reasonable accommodation in the USA is not high. It is also reported by Bruy're and Nishi that the percentage of persons with disabilities that request accommodation is similar to the number of not disabled employees requesting accommodation.

Another area where the Department of Justice focuses much of its implementation attention is the issue of effective communication. The ADA requires the whole range of entities covered by it (for example police departments, town governments and hotels) to provide communication in a form that is effective for persons with disabilities. Materials must be accessible and may include accessible formats such as Braille or large print, or communication assistance such as sign language interpretation or Computer Assisted Real Time (CART) services.

From an external perspective in conducting this analysis it became apparent that this is a matter which enjoys the interest of the American government and the agencies which implement the policies of the American government. This may be the case as a result of pressure from disability organisations, social conscience or due to the disputes lodged by persons with disabilities whose rights have been violated. The cause of this interest could not be determined but it makes a significant difference in the manner in which the American nation responds to disability management.

#### 4.5.3 DISABILITY MANAGEMENT IN THE UNITED KINGDOM

##### 4.5.3.1 Early Developments

The United Kingdom has been in the forefront of the development of the social model of disability as described in Chapter 3 of this research.

#### 4.5.3.2 Present legislative and policy framework and implementation structures

The relevant areas of the UK disability management framework identified for comparative analysis are discussed in Table 16 below.

**Table 16: Analysis of the disability management framework of the United Kingdom**

No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
1.	Constitutional determination and protection against discrimination for persons with disability.	None.
2.	General legislative determination against discrimination and the protection of persons with disabilities.	The Disability Discrimination Act, 1995 (DDA) and the Code of Practice Employment and Occupation issued by the Disability Rights Commission, 2004. The Code does not impose legal obligations.
3.	Institutions responsible for the implementation and enforcement of the constitutional and legislative provisions.	The Disability Rights Commission (DRC) has statutory powers to work towards the elimination of discrimination and to promote the equalisation of opportunity for disabled persons.
4.	Definition of disability.	<p>The DDA defines disability and disabled person and distinguishes between physical and mental impairments, applies to all persons and not just employees, and requires a "substantial and long-term adverse effect" on "normal day-to-day activities".</p> <p>The Minister of Justice, in explaining the DDA, indicated that "[the] terms physical and mental are intended to be seen in their widest sense and should comprehensively cover all forms of impairment" (Gooding 1996:11 as in Christiaanson 2007).</p> <p>The DDA, in Schedule 1, describes progressive conditions as conditions such as cancer, multiple sclerosis, muscular dystrophy or HIV. The DDA goes on to state that an individual will only be considered to have an impairment if he or she, as a result of the progressive condition, has an impairment which has an effect on his or her ability to carry out normal day-to-day activities.</p>
5.	Human resource management practices covered.	
5.1.	Recruitment and selection (including medical and psychological testing, placement, compensation, employment benefits, confidentiality and	It is unlawful for an employer to discriminate against a disabled person in the arrangements made for determining who should be offered employment, the terms on which the disabled person is offered employment, or by refusing to offer, or deliberately not offering, the disabled person employment.



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
	disclosure).	<p>The DDA Code encourages employers who are recruiting persons with disabilities to approach local employment services, the Jobcentre Plus and specialist disability employment services to encourage disabled persons to apply.</p> <p>It is lawful for an employer to advertise a vacancy as open only to disabled persons.</p> <p>An employer displaying the Disability Symbol must commit itself to offering a guaranteed interview to any disabled person who meets the essential requirements of the job.</p> <p>An employer will have to assess an applicant's merits as they would be if any reasonable adjustments required under the DDA had been made. If, after allowing for those adjustments, a disabled person would not be the best person for the job, the employer does not have to recruit that person.</p> <p>The DDA does not prevent employers from carrying out aptitude or other tests, including psychological tests.</p> <p>The DDA does not prohibit an employer from seeking information about a disability but the information should not be sought from applicants unless necessary to enable the recruitment decision to be made, or for a related purpose such as equal opportunities monitoring.</p> <p>Once a decision has been made to appoint a disabled person, it is good practice for an employer to discuss reasonable adjustments with him or her before he or she starts to work.</p> <p>Terms and conditions of service should not discriminate against a disabled person. In general, an employer should not offer a job to a disabled person on terms which are less favourable than those which would be offered to other people. Where the terms and conditions of employment include an element of performance-related pay, the employer must ensure that the way such pay arrangements operate does not discriminate against a disabled employee. If, on the ground of disability, an employee is denied the opportunity to receive performance-related pay, this is likely to be direct discrimination.</p> <p>The extent to which an employer is entitled to let other staff know about an employee's disability will depend partly on the terms of</p>



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		<p>employment. An employer could be discriminating against the employee by revealing such information if the employer would not reveal similar information about another person for an equally legitimate management purpose.</p> <p>Employers must ensure that arrangements for promoting staff, or for transferring staff between jobs, do not discriminate against disabled persons. It is likely to be direct discrimination if a disabled employee is treated less favourably on the ground of disability. If the treatment is not directly discriminatory, but is for a reason related to the disability, it will amount to disability-related discrimination unless the employer can show that it is justified.</p>
5.2.	Training and career advancement.	Employers must not discriminate in their induction procedures. The employer may have to make adjustments to ensure a disabled person is introduced into a new working environment in a clearly structured and supported way, with an individually tailored induction programme if necessary.
5.3.	Performance management.	Specific provisions do not exist.
5.4.	Employee retention and exit management strategy.	<p>The DDA covers the job applicant, the employee during employment and the person following the termination of his or her employment.</p> <p>In relation to the retention of staff, the DDA determines that it is unlawful for an employer to discriminate against a disabled person whom it employs by dismissing the employee, or subjecting him or her to any other detriment.</p> <p>It is also unlawful for an employer to subject a disabled person to harassment for a reason which relates to his or her disability.</p> <p>An employer must not discriminate against an employee who becomes disabled, or who has a disability which worsens. If there are no reasonable adjustments which would enable the disabled employee to continue in his or her present job, the employer must consider whether there are suitable alternative positions to which he or she could be redeployed.</p> <p>The Access to Work Scheme could advise in determining what adjustments to make to facilitate the employment of a disabled person.</p> <p>Where a disabled person is dismissed or is selected for redundancy or for compulsory early retirement (including compulsory ill-health retirement), the employer must ensure that</p>



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		<p>the disabled person is not being discriminated against. It is likely to be direct discrimination if the dismissal or selection is made on the ground of disability (paragraph 4.5). If the dismissal or selection is not directly discriminatory, but is made for a reason related to the disability, it will amount to disability-related discrimination unless the employer can show that it is justified. The reason would also have to be one which could not be removed by any reasonable adjustment.</p> <p>Where the dismissal of a disabled person is being considered for a reason relating to that person's conduct, the employer should consider whether any reasonable adjustments need to be made to the disciplinary or dismissal process. In addition, if the conduct in question is related to the employee's disability that may be relevant in determining the sanction which it is appropriate to impose.</p> <p>Where a disabled person's employment has come to an end, the DDA determines that it will still be unlawful for his or her former employer:</p> <ul style="list-style-type: none"><li>➤ To discriminate against him or her by subjecting him or her to a detriment; or</li><li>➤ to subject him or her to harassment.</li></ul> <p>This applies if the discrimination or harassment arises out of the employment which has come to an end or is closely connected to it.</p>
5.5.	Labour relations management strategy.	<p>Employers should attempt to resolve disputes as they arise. Grievance procedures are an open and fair way for employees to make their concerns known, and enable grievances to be resolved quickly before they become major problems. Employers should ensure that grievance procedures are accessible to disabled persons.</p> <p>If internal dispute procedures exist, employers and employees are required by law to comply with it before making a complaint to a tribunal. It provides extensive further information about grievance procedures and about resolving disputes under the DDA. Internal dispute resolution should be carried out in a non-discriminatory way to comply with the DDA.</p> <p>The Employment Act 2002 (Dispute Resolution) Regulations 2004 (the 2004-Regulations) provide that the statutory</p>

No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		<p>procedures do not need to be followed if:</p> <ul style="list-style-type: none"> <li>➤ One of the parties to the dispute has reasonable grounds to believe that compliance with the procedure would result in a significant threat to himself or herself, his or her property or another person; or</li> <li>➤ one of the parties has been subjected to harassment and has reasonable grounds to believe that complying with the procedure would result in his or her being subjected to further harassment; or</li> <li>➤ it is not practicable to comply with the procedure within a reasonable period.</li> </ul> <p>The 2004-Regulations determine that, where an employee's grievance is that disciplinary action taken against him or her amounts to discrimination by the employer, the parties are not required to meet to discuss the matter. However, an employee must still send the employer written details of his grievance before commencing employment tribunal proceedings.</p> <p>The DDA allows compensation for injury to feelings to be awarded whether or not other compensation is awarded.</p>
6	Reasonable accommodation.	<p>The DDA provides for:</p> <ul style="list-style-type: none"> <li>➤ Making adjustments to premises;</li> <li>➤ allocating some of the disabled person's duties to another person;</li> <li>➤ transferring the person to fill an existing vacancy;</li> <li>➤ altering the person's hours of working or training;</li> <li>➤ assigning the person to a different place of work or training;</li> <li>➤ allowing the person to be absent during working or training hours for rehabilitation, assessment or treatment;</li> <li>➤ giving, or arranging for, training or mentoring (whether for the disabled person or any other person);</li> <li>➤ acquiring or modifying equipment;</li> <li>➤ modifying instructions or reference manuals;</li> <li>➤ modifying procedures for testing or assessment;</li> <li>➤ providing a reader or interpreter; and</li> <li>➤ providing supervision or other support.</li> </ul> <p>The factors that might be considered as relating to the value of an employee would include:</p> <ul style="list-style-type: none"> <li>➤ The amount of resources (such as training) invested in the individual by the employer;</li> <li>➤ the employee's length of service;</li> <li>➤ the employee's level of skill and knowledge;</li> </ul>



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		<ul style="list-style-type: none"> <li>➤ the employee's quality of relationships with clients; and</li> <li>➤ the level of the employee's pay.</li> </ul> <p>It is more likely to be reasonable for an employer to have to make an adjustment with significant costs for an employee who is likely to be in the job for some time than for a temporary employee.</p> <p>If as a result of the disability an employer's arrangements or a physical feature of the employer's premises place the employee at a substantial disadvantage in doing his or her existing job, the employer must consider any reasonable adjustment that would resolve the difficulty. The nature of the adjustments which an employer may have to consider will depend on the circumstances of the case, but the first consideration in making reasonable adjustments should be to enable the disabled employee to continue in his or her present job if at all possible.</p> <p>The employer should consult the disabled person at appropriate stages about what his or her needs are and, where the employee has a progressive condition, what effect the disability might have on future employment, so that reasonable adjustments may be planned.</p> <p>In appropriate cases, the employer should also consider seeking expert advice on the extent of a disabled person's capabilities and on what might be done to change premises or working arrangements. Where an employee has been away from work, a phased return might be appropriate. A failure to comply with a duty to make a reasonable adjustment in respect of a disabled person amounts to discrimination and is therefore unlawful.</p>
7.	Comprehensiveness and user friendliness of the legislative and policy framework to support the human resource management profession, persons with disabilities and managers in employing persons with disabilities.	The DDA and guidelines are easily accessible on the web. These documents have been laid out clearly and it was written in a style which is easily understood. The level of detail in the Act and the guidelines is extensive and easy to understand examples are provided to clarify issues. The guidelines are voluminous as a result of its comprehensiveness. It is however easy to read and to find the information required.
8.	General impact of the Constitutional determination, legislative framework and employment policy framework on the improvement of the employment figures of persons	From the literature under review the policy framework in the UK is also having a significant impact on the employment of persons with disabilities. The framework sets out to remove the constraints persons with disabilities may experience in the workplace. It is evident that conflict does prevail within the employment context and this confirms the rights of persons with disabilities and assists to

No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
	with disabilities.	continuously stimulate further development.
9.	Employers and employer organisations.	The disability management framework in the UK places an important responsibility on employers since they are obligated to comply with wide ranging legal and regulatory determinations. This obligation is clearly defined and must be complied with. Compliance is therefore not negotiable. This is a very important characteristic of the UK disability management framework.
10.	Trade unions.	The role of trade unions is significant in the implementation of the UK disability management framework. The trade unions in the UK have a long tradition in ensuring the rights of workers, including persons with disabilities. This is a further characteristic which is also significant.
11.	Persons with disabilities.	Persons with disabilities are well represented through organisations to which persons with disabilities belong. These organisations are actively ensuring that the rights of persons with disabilities are recognised. This is a further critical success factor in the UK disability management framework.

Sources: DDA and Codes, Employment Act 2002, Gooding 1996 as in Christiaanson 2007.

In summary the UK disability management strategy is built around the DDA and its Code. The DDA is, similar to the ADA, very comprehensive and it is further enhanced with the Code. The Code provides practical examples which are easy to understand. The extent to which detail is addressed in these guidelines is exhaustive, which is helping to address all possible scenarios which employers may be faced with.

From an external perspective in conducting this analysis it is apparent that the heart of the British disability management framework is not in government and the Departments which implement the policies of the government, like in the USA, but rather in the DDA and the Code. Nevertheless, South Africa can learn from the exhaustive legislative and policy framework and the practical examples it provides.

It should be noted that the UK is far advanced in a process to replace the DDA with another act which is not disability specific but covers all vulnerable groups. The planned date of enactment is not yet known. At the time of completion of this research, sufficient information was not available to include it in this analysis.

## 4.6 SUMMARY

The contribution of this chapter to the research process and the development of a strategy to employ persons with disabilities can be summarised as follows:

- There is a large variety of strands, or categories of social security.
- The variety of strands of social security is funded differently and they cover a number of contingencies. These contingencies are dealt with from a social perspective, specifically that the “state must assist”.
- The relevance of the various strands of social security on disability and employment is embedded in the nature and character of each of the strands.
- Social security, and specifically social welfare, can be traced back to the industrial revolution and the history depicted the reasons why social security systems began to develop.
- The very nature of this development process has not focussed on the management of disability but rather on providing people with a monetary payment as a form of assistance. The provision of money was deemed to be sufficient to solve the problem.
- The ILO has played an important role in the development of social security systems through the adoption of conventions and recommendations that deal with social security and the contingencies in respect of which benefits must be provided.
- The UN has also made a significant impact on social security and disability management by establishing the principle that persons with disabilities are entitled to equality in every aspect of life.
- The ICRPD is the latest initiative to establish the rights of persons with disabilities.
- Article 27 of the ICRPD is dedicated to establish the employment rights of persons with disabilities.
- The American disability management strategy is designed around the ADA and its Regulations. The ADA is very comprehensive and it is further enhanced with a number of detailed technical assistance guidelines.
- The UK disability management strategy on the other hand is designed around the DDA and its Code.

- The DDA is, similar to the ADA, very comprehensive and it is further enhanced with the Code.
- The heart of the British disability management framework is not in government and the departments which implement the policies of the government, as is the case in the USA but rather in the DDA and the Code.

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## CHAPTER 5

### SOUTH AFRICAN DISABILITY POLICY FRAMEWORK

“I discovered early that the hardest thing to overcome is not a physical disability but the mental condition which it induced. The world, I found, has a way of taking a man pretty much at his own rating. If he permits his loss to make him embarrassed and apologetic, he will draw embarrassment from others. But if he gains his own respect, the respect of those around him comes easily” Alexander de Seversky, an aviator and aeronautical engineer who lost his leg in World War I (People Dynamics, April 2005:16).

#### 5.1 INTRODUCTION

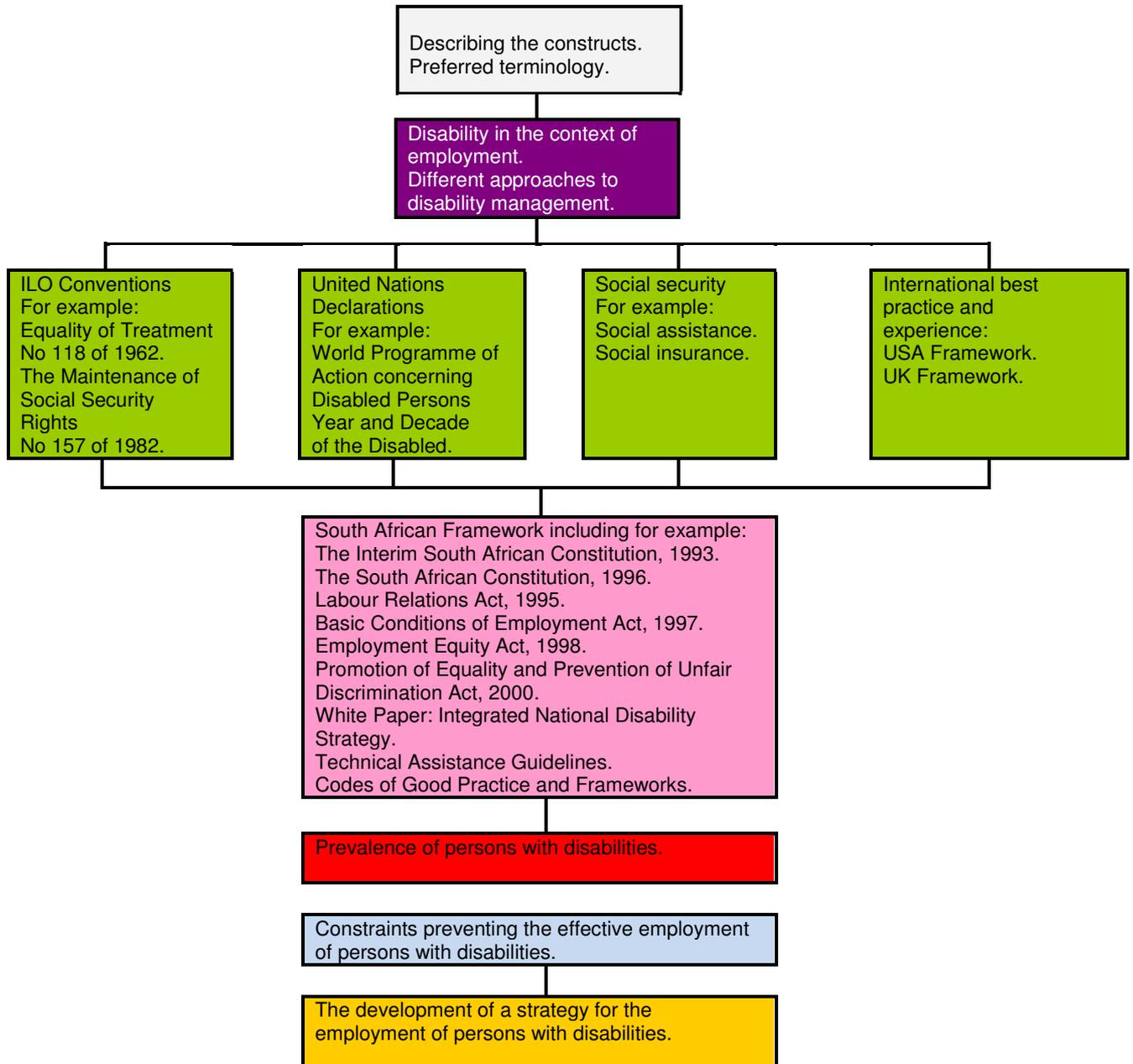
This chapter provides an analysis of the South African disability and employment policy framework. The development of a strategy which leads to the increased employment of persons with disabilities takes place within a legal and policy framework. This framework is either a positive force which increases the employment of persons with disabilities or a negative force in the employment of persons with disabilities which reduces or has an inhibiting effect on the employment of such persons. The low levels of employment of persons with disabilities must have a cause or causes and the analysis of the legal and policy framework could reveal some of the causes.

The relationship between the South African disability and employment policy framework and the international framework as discussed in Chapter 4 is interdependent. Chapter 5 should therefore be read in conjunction with the previous chapter. It should be borne in mind that the South African framework evolved over a number of years and certain components of this framework originated in the political dispensation before 1994. An alignment and integration of the different components of this framework are therefore not possible since the legislation referred to was drafted prior to the advent of the Constitution, 1996.

The discussion in this chapter would also indicate that certain provisions of legislation which originated from the Constitution, 1996 are not in line with the enabling provisions laid down in the said Constitution.

The relative position of the discussion of the South African Disability Management Framework in the overall literature review research framework is presented in light pink in Table 17 below.

**Table 17: Disability management literature review research framework**



## 5.2 EVOLVEMENT OF LABOUR LEGISLATION

In 1977, the government appointed the Wiehahn Commission to investigate South Africa's labour legislation. The Commission recommended the incorporation of specific anti-discrimination principles into South African legislation:

“The Commission cannot avoid the conclusion that in due course discrimination in the field of labour on the grounds of race, colour, sex, political opinion, religious belief, national extraction or social origin will have to be outlawed and criminalised in South Africa's labour dispensation” (The Complete Wiehahn Report (1982) part 5 paragraph 4.127.14, Dupper 2007:9).

The transition period between 1979 and 1994 cannot be unequivocally described as a harmonious and co-operative process but, the foundations for greater democracy in the workplace were firmly laid (Kemp 1992:6 as quoted by Ehlers 2002).

Until 11 November 1996, the day on which the Labour Relations Act, 108 of 1995 (LRA) came into effect, employers were at liberty to refuse to appoint someone on the basis of, for example, gender, race or trade union membership. Applicants for work enjoyed no protection under the previous Labour Relations Act, 28 of 1956. This meant that an applicant for work had no legal standing to declare a labour dispute with an employer, even though he or she may have been the victim of unfair discrimination (Dupper 2007:9).

The situation for employees (as opposed to applicants for work) was somewhat better. Some legislative provisions specifically permitted discrimination in employment, such as the Wage Act, 5 of 1957, which permitted differentiation between categories of employees on grounds, *inter alia*, of sex or race and the Industrial Conciliation Act, 28 of 1956, which introduced statutory job reservation, meaning that the Minister of Labour had the authority to reserve any job for Whites. There was no specific legislation or legislative provision which expressly and comprehensively outlawed racial or sexual discrimination in the workplace. The other vulnerable groups, like persons with disabilities, were also not protected by means of legislation (Dupper 2007:9).

In July 1994, after the 1994 elections and the new democratic dispensation came into place, a Ministerial Legal Task Team was appointed to draft a new Labour Relations Act. The Task Team was instructed, *inter alia*, to draft a Bill that would bring labour legislation in line with various International Labour Organisation Conventions (specific reference was made to the Discrimination (Employment and Occupation) Convention 111 of 1958) as well as the provisions of the interim Constitution (“Explanatory Memorandum to the Labour Relations Bill” (1995) *ILJ* 278 at 279 and 285 as quoted by Dupper 2007).

### **5.3 THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA**

Since 27 April 1994, the date the interim Constitution of the Republic of South Africa, 1993 came into operation, equality has assumed a central position in South African law. Section 8, the equality provision of the interim Constitution, contained a guarantee that the law would protect and benefit people equally and it also contained a specific prohibition on unfair discrimination. In addition, it provided for measures designed to achieve the protection and advancement of people disadvantaged by unfair discrimination (Dupper 2007:11).

The Constitution, 1996 which replaced the interim Constitution, 1993 and which has been operational since 4 February 1997, retains equality as a fundamental constitutional value in very similar terms to that of the interim Constitution. The preamble of the interim Constitution referred to “...a need to create a new order in which all South Africans will be entitled to a common South African citizenship in a sovereign and democratic constitutional state *in which there is equality between men and women and people of all races ...*”. The preamble of the Constitution, 1996 further provides that the Constitution is adopted as the supreme law of the Republic and that it aims to “...establish a society based on democratic values, social justice and fundamental human rights... and every citizen is equally protected by law...”. In addition, section 1(a) of the Constitution, 1996 lists the “...achievement of equality...” as one of South Africa’s foundational values (Dupper 2007:16).

The Constitution, 1996 plays a vital role in providing a bridge between an unjust past and a just future. This is explicitly stated in the afterword of the interim Constitution,

where the Constitution is depicted as “... a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice and a democratic future” (Dupper 2007:17).

The Constitution, 1996 reaffirms the notions of dignity, equality and freedom as foundational to the vision of democracy embodied in the Constitution. One of the broad purposes upon which the Constitution, 1996 is founded is “...the achievement of equality...” (section 1(a)). The commitment to equality is a pervasive and overriding feature of the Constitution, 1996 (Dupper 2007:17).

If one assesses the approach to equality against the backdrop of the underlying principles and purposes of the Constitution, 1996 and the historical burden of inequality that it seeks to address, it is clear that a purely formal understanding of equality will risk disregarding the fundamental commitments of the Constitution, 1996. A substantive conception of equality, on the other hand, is supportive of these fundamental values. A purposive or purpose seeking approach to constitutional interpretation (to which the Constitutional Court has committed itself on several occasions) therefore means that the equality section of the Constitution, 1996 must be read as grounded on a substantive conception of equality. This reading had recently been confirmed in a number of Constitutional Court decisions (Dupper 2007:17,18).

Arguably the clearest indication that a substantive vision of equality is envisaged by the Constitution, 1996 is contained in section 9(2). The first part of the subsection contains the declaration that “Equality includes the full and equal enjoyment of all rights and freedoms”. Although affirmative action is not mentioned in this subsection it may be assumed from the second part of the subsection that affirmative action is not viewed as an exception to a formal notion of equality, but is considered to be a means of achieving equality in the substantive sense. The right to equality does more than simply prohibit discrimination or unequal treatment by the state or private individuals. It also places a positive duty on the government to act in order to ensure that everyone fully and equally enjoys all rights and freedoms. The Constitutional Court thus remarked that -

“Particularly in a country such as South Africa, persons belonging to certain categories have suffered considerable unfair discrimination in the past. It is insufficient for the Constitution merely to ensure, through its Bill of Rights, that statutory provisions which have caused such unfair discrimination in the past are eliminated. Past unfair discrimination frequently has ongoing negative consequences, the continuation of which is not halted immediately when the initial causes thereof are eliminated, and unless eliminated, may continue for a substantial time and even indefinitely. Like justice, equality delayed is equality denied.”  
*(National Coalition for Gay and Lesbian Equality v Minister of Justice 1999 (1) SA 6 (CC); [1998] 12 BCLR 1517 (CC) Para 60 (per Ackerman J) and City Council of Pretoria v Walker 1998 (2) SA 363 (CC) – Dupper 2007:19).*

The need for such remedial or corrective measures has been recognised in both the interim Constitution, 1993 and the Constitution, 1996. The Constitutional Court has explicitly recognised that treating people identically (formal equality) can often result in inequality (Dupper 2007:19).

In this regard section 7 of the Constitution, 1996 provides as follows in respect of the Bill of Rights:

“7. (1) This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

(2) The state must respect, protect, promote and fulfil the rights in the Bill of Rights.

(3) .....

Section 9 of the Constitution, 1996 defines the concept of “equality” by determining that-

“9. (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.

(2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, **disability**, religion, conscience, belief, culture, language and birth.

(4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

(5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.” (Own emphasis).

According to Basson (2006:248) the Constitution, 1996 does not merely prohibit unfair discrimination (section 9(3)) but it actively promotes the achievement of equality for those individuals who have been disadvantaged as a result of past discriminatory practices.

The author further indicates that section 9 of the Constitution, 1996 provides for both substantive and formal equality. Formal equality requires equal or formal treatment of everyone, irrespective of their social or economic status while substantive equality requires equality in outcome or actual equality. In order to achieve substantive equality in, for example, the workplace, it is required that certain groups who have been subjected to past discriminatory practices be afforded preferential treatment in, for example, recruitment and promotion. This process of giving preferential treatment to those who in the past have been victims of discrimination is referred to as affirmative action (Basson 2006:251).

Section 23 of the Constitution, 1996 (titled Labour Relations) determines as follows:

“23. (1) Everyone has the right to fair labour practices...”.

The Constitution, 1996 does not define social security and social assistance. However, section 39 of the Constitution (Interpretation of the Bill of Rights), determines that -

“39.(4) When interpreting the Bill of Rights, a court, tribunal or forum -

- (1)(a) must promote the values that underlie an open and democratic society based on human dignity, equality and freedom;

- (b) must consider international law; and
- (c) may consider foreign law.
- (2) When interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights.
- (3)...”

The international trends as set out in, for example, the ILO conventions should therefore also be read into the South African legal framework.

The categories of persons who have been past victims of discrimination are not defined in the Constitution, 1996. The Constitution, 1996 however, determines that legislative and other measures must be taken to “protect” or “advance” persons or categories of persons.

The Parliament of the Republic of South Africa has passed two Acts to comply with this determination namely:

- The Employment Equity Act, 55 of 1998; and
- the Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000.

The impact of the Constitution, 1996 on the employment of persons with disabilities is significant. This impact relates to:

- Unfair discrimination, specifically preventing direct or indirect discrimination related to the disability status of an employee;
- remedial or corrective action, specifically to correct the unfair discrimination of the past by treating employees with disabilities differently. This could include affirmative action programmes aimed at employees with disabilities; and
- ensuring compliance with international best practice as set out in, for example, the UN conventions, ILO conventions and international best practice.

This impact has not yet been relayed into action as can be seen from the declining employment numbers of persons with disabilities, which is discussed in detail later in Chapter 6. Although several cases related to payment of social grants to certain individuals have served before the Constitutional Court, it has not yet extensively dealt with disability as a Constitutional right. The pressure is building up in this regard with different groups threatening to approach the Constitutional Court with matters relating to alleged unfair discrimination on the basis of disability.

#### **5.4 THE LABOUR RELATIONS ACT, 66 OF 1995.**

The LRA, which for the most part became operational on 11 November 1996, contains a number of provisions that specifically prohibit discriminatory treatment of employees and applicants for work.

Section 187(1)(f) states that the dismissal of an employee is automatically unfair if the reason for the dismissal is that the employer unfairly discriminated against an employee, either directly or indirectly, on one or more of a number of non-exhaustive prohibited grounds. However, in terms of subsection (2) the dismissal may be fair if the reason for the dismissal is based on an inherent requirement of the job or if the employee had reached the normal or agreed retirement age for persons employed in that capacity.

Before it was repealed by the Labour Relations Amendment Act, 12 of 2002, Schedule 7 item 2(1)(a) of the LRA prohibited discrimination (other than a discriminatory dismissal) against employees. Under this provision applicants applying for work for the first time, also enjoyed protection against discrimination. As is the case in section 187(1)(f), unfair discrimination, whether directly or indirectly, on any one or more of a number of non-exhaustive grounds, is prohibited. Schedule 7 item 2(2), listed two justification grounds that an employer could raise against a claim of unfair discrimination, namely “affirmative action” and the “inherent requirements of the job” while item 2(2)(b) provided that an employer was not prevented from “adopting or implementing employment policies and practices that are designed to achieve the adequate protection and advancement of persons on grounds or categories of persons disadvantaged by unfair discrimination.” Schedule 7 item

2(2)(c), provided that any discrimination based on the inherent requirements of the job would not constitute unfair discrimination. If a person therefore experienced discrimination, the discrimination would be found not to be unfair if the affirmative action policy met the requirements of item 2(2)(b) or if the discrimination was based on the inherent requirements of the job.

Schedule 7 items 2(1)(a), 2(2) and 3(4)(a) of the LRA were replaced by Chapter II of the EEA which came into operation on 9 August 1999. Chapter II regulates discrimination against applicants for employment as well as employees, short of dismissal. Discriminatory dismissal remains regulated by section 187 of the LRA.

A link exists between the anti-discrimination provisions in section 187(1)(f), (the repealed) Schedule 7 item 2(1)(a), and the equality provisions of both the interim Constitution, 1993 and the Constitution, 1996. The support for a “substantive” notion of equality, and both indirect and direct discrimination, are prohibited. Affirmative action and the inherent requirements of the job were expressly introduced as justification grounds, but the overall notion of “fair” discrimination is retained in the event that the two listed justification grounds are not applicable.

The LRA does, however, provide for the dismissal of an employee on grounds of the employee’s incapacity, which becomes relevant when an employee becomes disabled during employment. The employer has the onus to show that there is a valid and fair reason for the dismissal and that a fair procedure has been followed.

Unfair labour practice came into effect as a result of the Wiehahn Commission referred to above. The original definition in 1979 referred to an unfair labour practice as “any practice which in the opinion of the industrial court constitutes an unfair labour practice” (Industrial Conciliation Amendment Act 94 of 1979). This very broad definition relied almost entirely on the discretion of the newly formed Industrial Court (Le Roux and Van Niekerk 1994:19). These authors argued that the “mandate given to the industrial court to restructure South African industrial relations was extraordinary, both as to its potential scope and its vagueness”. Le Roux and Van Niekerk quote Brassey et al in *The New Labour Law* (1987:122) as submitting that “so extensive an abrogation of legislative prerogative must surely be unique in our

parliamentary history”. The definition was, however, amended and expanded upon in 1982 (Labour Relations Amendment Act 51 of 1982) and it was this amended definition that allowed the industrial court to develop its jurisprudence of unfair labour practice and to place fairness high on the agenda in any termination of employment.

The requirement for fair dismissals for misconduct, incapacity and operational requirements was that the employer required a valid and fair reason to dismiss and that a fair procedure had to be followed. This rule was based on international labour standards of the time.

ILO Convention 158 of 1982 deals with “Termination of Employment at the Initiative of the Employer” and it sets out the three broad reasons for a so-called “fair” dismissal:

“The employment of a worker shall not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service” (article 4 of ILO Convention 158 of 1982).

The capacity of the worker relates to the ability of the worker to do the work. This ability may relate to the performance, or to the health of the worker.

Substantive fairness is generally viewed concomitantly with procedural fairness.

Article 7 of ILO Convention 158 of 1982 sets out the broad procedural requirements for dismissals for conduct and capacity as follows:

“The employment of a worker shall not be terminated for reasons related to the worker’s conduct or performance before he or she is provided with an opportunity to defend”.

The performance standard is central to any dismissal for incapacity. Dismissal for poor work performance assumes that the employee is incapable of doing the work

and allows an employer the prerogative to set the performance standards required for a particular job or position.

Grogan (2009:160) argues, however, that “If either party becomes permanently unable to perform his or her obligations under the contract, or is unable to perform those obligations for a period that is unreasonable ad far as the other is concerned, the other party is entitled to terminate the contract on the ground of such non-performance. A dismissal on the basis of incapacity is therefore deemed to be a “no-fault” dismissal because the employer can no longer afford to continue employing an employee who is incapable of doing the work.

Section 188 of the LRA acknowledges that incapacity may be a fair ground for dismissing an employee. It is, however, only in the Code of Good Practice: Dismissal that the LRA sets out what constitutes a fair reason for dismissal and what would in general terms be a fair procedure. It is also in the Code that the LRA distinguishes three forms of incapacity: poor work performance, ill health or injury. Item 9 of the Code sets out the guidelines that an employer should follow in order for a dismissal for poor work performance to be fair. In item 10 of the Code incapacity for ill health or injury is analysed and distinctions are made between temporary and permanent incapacity and work related injuries. Item 11 then sets out another set of guidelines for employers for those cases where the incapacity arises from ill health or injury. The LRA has therefore incorporated into the Code a fairly comprehensive set of guidelines on how to adjudicate whether a dismissal for poor work performance, ill health or injury is fair or unfair.

It is apparent that there is no legal obligation on an employer in terms of the LRA to reasonably accommodate an employee who became disabled in the course of his or her employment.

## **5.5 THE EMPLOYMENT EQUITY ACT, 55 OF 1998**

The purpose of the EEA is set out in section 2 of Chapter 1 of the Act, namely:

“2. The purpose of this Act is to achieve equity in the workplace by –

(a) promoting equal opportunity and fair treatment in employment through the

- elimination of unfair discrimination; and
- (b) implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce.”

The EEA defines the designated groups as follows in section 1:

“designated groups’ means black people, women and people with disabilities;”

The Minister of Labour (People Dynamics, 2003:6) defines “employment equity’ as the promotion of non-discrimination and the creation of equal opportunities in the workplace by using mechanisms such as affirmative action and reasonable accommodation”.

The EEA states that a person may be suitably qualified for a job if any one or a combination of factors exists. The EEA states in section 20(3) that “For the purpose of this Act, a person may be suitably qualified for a job as a result of any one of, or combination of that person’s-

- a) formal qualification;
- b) prior learning;
- c) relevant experience ; or
- d) capacity to acquire, within a reasonable time, the ability to do the job.”

This provision applies to all designated groups, including persons with disabilities. The need to extend the concept of “suitably qualified” arose because it was necessitated by a lack of qualified individuals within the designated groups, in certain categories of employment. An employer is therefore in terms of the EEA, obliged to review all the factors listed in section 20(3) in determining whether an employee or an applicant for employment has the ability to do the job in question (section 20(4)).

The question of unfair discrimination against applicants for work and employees (other than a discriminatory dismissal), is comprehensively regulated by chapter II of the EEA, and no longer by Schedule 7, item 2(1)(a) of the LRA. Chapter II of the EEA applies to all employers and employees, except those employees excluded

from the ambit of the LRA (namely members of the National Defence Force, the National Intelligence Agency or the South African Secret Service). Section 5 of the EEA provides that every employer must eliminate unfair discrimination in its employment policy or practice. “Employment policy or practice”, in turn, is defined in section 1.

Section 6(1) of the EEA prohibits unfair discrimination in the following terms:

“No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth.”

The prohibition against unfair discrimination mirrors the wording of the equality provision of the Constitution, 1996. In addition to the sixteen grounds listed in section 9(3) of the Constitution, 1996 the EEA also includes family responsibility, political opinion and HIV status. However, similar to the Constitution, 1996 and the LRA, the list is not exhaustive in that the word “including” appears before the grounds mentioned. The two justification grounds contained in Schedule 7 of the repealed item 2(2) of the LRA, namely affirmative action and an inherent requirement of a job, have been retained.

Tinarelli (2000:16) explains that discrimination appears most obviously when an employer focuses on irrelevant personal characteristics instead of work performance or merit. Cascio (1998:41 as quoted by Tinarelli 2000) defines discrimination as: “.... the giving of an unfair advantage or disadvantage to members of a particular group in comparison with the members of other groups. The disadvantage usually results in a denial or restriction of employment opportunities, or in an inequality in terms of the benefits of employment”.

Chapter III of the EEA requires from designated employers to do the following:

- Implement affirmative action measures for persons from designated groups (section 13 read with section 15);

- ensure equitable representation of black persons, women and persons with disabilities (the “designated group” defined in section 1);
- consult with employees on a range of matters pertaining to employment equity (section 16 read with section 17);
- conduct an analysis of employment policies, practices, procedures and the working environment in order to identify employment constraints adversely affecting designated persons (section 19);
- prepare an employment equity plan (section 20) and report either annually or bi-annually to the Director-General of the Department of Labour on the progress made in implementing the employment equity plan (section 21).

Section 15 of the EEA provides a broad definition of what it regards as an “affirmative action measure”. In general it means any measure aimed at ensuring the equal employment opportunities and equitable representation of suitably qualified persons from designated groups in all occupational categories and levels in the workforce. Furthermore, it is clear that the term “affirmative action measure” applies much more widely than only to the preferential employment of members of the designated groups to vacant positions. It also includes:

- Preferential promotion as well as the development and training of employees in order to promote their prospects for advancement;
- a duty on employers to inspect their employment policies and practices to remove any constraints inherent in such policies and practices (or remove discriminatory policies and practices);
- measures to further diversity in the workplace; and
- a duty on employers to make “reasonable accommodation”. This means the modification or adjustment to a job or the working environment that will enable a person from a designated group to have access or participate or advance in employment.

The EEA provides that the goal of affirmative action is to ensure equitable representation of all race groups in organisations, in all occupational categories and levels in the workforce. The EEA does not define the term “equitable representation.

## 5.6 THE PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION ACT, 4 OF 2000

In order to comply with section 9(4) of the Constitution, 1996 (which places a duty on the state to pass national legislation to prevent or prohibit unfair discrimination and to promote the achievement of equality), the PEPUDA was enacted. Although the Act does not apply to “any person” to the extent to which the EEA applies, section 5(3) does have an impact on the employment sphere. Except for the exclusion of those bound by the EEA, PEPUDA binds the state and all persons, and has precedence over any other applicable law except for the Constitution, 1996 (section 5(1) and (2)). PEPUDA covers a wide range of practices, including labour and employment, education, health care services and benefits, housing, insurance services, pensions, provision of goods, services and facilities, clubs, sports and associations (section 29 and Schedule 1).

PEPUDA contains a simple prohibition of discrimination in section 6, and leaves the further explanation thereof to section 1 of the Act, which contains the definitions. Both direct and indirect discrimination is prohibited. “Discrimination” is defined as any act or omission which *directly or indirectly* imposes a burden, obligation or disadvantage on or withholds benefits, opportunities or advantages from any person on one or more of the prohibited grounds (section 1 (viii)). Prohibited grounds, in turn, are defined as referring to “race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, **disability**, religion, conscience, belief, culture, language and birth”. These are the same grounds listed in section 9 of the Constitution, 1996. The open-ended nature of the list is confirmed by the provision that prohibited grounds include any other (unlisted) ground where discrimination on that ground causes or perpetuates systematic disadvantage, undermines human dignity, or adversely affects the equal enjoyment of a person’s rights and freedoms in a serious manner that is comparable to discrimination of a listed ground (own emphasis).

The PEPUDA is more explicit than the EEA on at least two important questions, namely the burden of proof (section 13) and the determination of fairness or

unfairness (section 14). These sections are a codification of the broad principles developed thus far by the Constitutional Court.

## **5.7 CODE OF GOOD PRACTICE: KEY ASPECTS ON THE EMPLOYMENT OF PERSONS WITH DISABILITIES IN THE WORKPLACE**

The Department of Labour, in terms of the EEA issued the Code of Good Practice: Key Aspects on the Employment of Persons with Disabilities in the Workplace (referred to as the Disability Code) during 2002. The Disability Code was published on the advice of the Commission for Employment Equity.

The contents of the Disability Code are as follows:

- The definition of persons with disabilities;
- reasonable accommodation for persons with disabilities;
- recruitment and selection;
- medical and psychological testing and other similar assessments;
- placements;
- training and career advancement;
- retaining persons with disabilities;
- termination of employment;
- avoiding unfair discrimination and achieving employment equity during the employment cycle;
- workers' compensation;
- confidentiality and disclosure of disability;
- employee benefits;
- employment equity planning in respect of persons with disabilities; and
- education and awareness.

The Disability Code is merely a guideline and does not have the authority of law. It does also not create additional rights and obligations. The nature of the Disability Code is very general and it is intended to be read in conjunction with other codes of good practice issued by the Minister of Labour. The Disability Code mentions that employers and employees should use it to develop, implement and refine disability equity policies and programmes.

A provision in the Disability Code to make provisional job offers to persons with disabilities is of significance. This clause provides for an employer to make a job offer “conditional” on medical or functional testing. This is done in order to determine an applicant’s actual or potential ability to perform the essential functions of a specific job. The testing must comply with the statutory requirements. The employer may test the disabled candidate only and not require the other applicants to undergo testing. If the testing shows that accommodation requirements create unjustifiable hardship or that there is an objective justification that relates to the inherent requirements of the job or to health and safety, the employer may withdraw the job offer.

The Disability Code provides that disabled employees may not be employed on less favourable terms and conditions for reasons connected with disability.

## **5.8 THE SOUTH AFRICAN INTEGRATED NATIONAL DISABILITY STRATEGY**

The Reconstruction and Development (RDP) White Paper indicated that “The Government will design, in consultation with disabled persons, a comprehensive programme for disabled persons which will enhance their engagement in society and remove discriminatory practices against them, especially in the workplace.” The INDS (1997:17 to 20) therefore has its origin in the RDP.

Subsequently a Disability Programme was established in the Office of the President to facilitate the full integration of disability into the RDP. The establishment of the programme was a further important landmark in disability management in South Africa. The establishment of the programme provided a point of reference as well as strategic leadership and political support. It also provided the highest status to disability management which is an important achievement.

The INDS (1997) was published as a White Paper during November 1997. The then Deputy President mentions in the foreword that “...the White Paper represents government’s thinking about what it can contribute to the development of disabled

people and to the promotion and protection of their rights. I believe in a partnership with disabled people. Therefore the furtherance of our joint objectives can only be met by the involvement of persons with disabilities themselves.”

The INDS (1997) consists of six chapters, namely:

- Chapter 1: Situational Analysis.
- Chapter 2: National International Context.
- Chapter 3: Policy Guidelines.
- Chapter 4: Legislation Monitoring.
- Chapter 5: Progress to date.
- Chapter 6: Recommendations.

The INDS (1997:1) indicates that there is a serious lack of reliable information on the nature and prevalence of disability in South Africa. As highlighted in the statistical analysis of population statistics relating to the disabled (Chapter 6 of this research) there is no single source offering detailed information. The analysis further reflects on the exclusion of persons with disabilities from the mainstream of society and specifically the hardships women and children with disabilities suffer (INDS 1997:2 and 4).

The vision expressed is “a society for all”. It indicates that the concept of a society for all, encompassing human diversity and the development of all human potential, captures the spirit of the human rights instruments of the UN (INDS 1997:18). Defining and translating the human rights of disabled persons into specific measures and programmes however, remains a major challenge. The Standard Rules for the Equalisation of Opportunities for Persons with Disabilities is the main instrument guiding public policy in the direction of ensuring the human rights of disabled persons. They will also assist government in creating an enabling environment that will lead to the full participation and equalisation of opportunities for persons with disabilities at all levels of society during and after the period of reconstruction and development (INDS 1997:18 and 19).

The principles, upon which the strategy is based, include:

- A people driven process - the right to self-representation is emphasised as a fundamental principle;
- integration and sustainability – due to the piecemeal manner in which disability management was dealt with in the past, it has led to the very poor circumstances disabled persons find themselves in. Disability management must be fully integrated into the principles, strategies and framework; and
- strategic guidelines – the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, the World Programme of Action Concerning Disabled Persons and the Disability Rights Charters, will be the guiding documents in developing, implementing and monitoring INDS (1997:19 and 20).

The INDS (1997) identifies the following policy guidelines:

- Prevention;
- public education and awareness raising;
- health care;
- rehabilitation;
- barrier free access;
- transport;
- communications;
- data, information and research;
- education;
- employment;
- human resource development;
- social welfare and community development;
- social security;
- housing; and
- sport and recreation.

Each policy guideline consists of four sub-areas namely:

- Introduction;
- policy objective or components;
- strategy; and
- mechanism.

The INDS (1997:2 and 3) emphasises that the majority of persons with disabilities in South Africa have been excluded from the mainstream of society and have been prevented from accessing fundamental social, political and economic rights.

The exclusion experienced by persons with disabilities and their families is as a result of a range of factors, for example (INDS 1997:2):

- The political and economic inequalities of the apartheid system;
- social attitudes which have perpetuated the development of disabled persons as dependent and in need of care; and
- a discriminatory and weak legislative framework which has sanctioned and reinforced exclusionary constraints.

The key forms of exclusion responsible for the cumulative disadvantage of persons with disabilities are poverty, unemployment and exclusion through legislation (INDS, 1997:2 and 3). Poor people face a greater risk of impairment or disability, as far as women with disabilities, particularly black disabled women, are concerned.

Of particular relevance for this research, are the guidelines impacting on employment policy which is briefly analysed. The unemployment gaps between non-disabled and disabled job seekers are factual as discussed in detail below and the INDS (1997) indicates that it must be narrowed. Conditions must be created to broaden the range of employment options for disabled persons so as to provide them with real possibilities of occupational choice. The emphasis on the term “real” must be noted as the ILO, as part of its research, states that work must be meaningful before a person will actually receive benefit from it.

Conditions must be created to broaden the range of employment options for disabled persons so as to provide them with real possibilities of occupational choice. The vocational integration of persons with disabilities into the mainstream labour market must therefore be facilitated to ensure real employment for persons with disabilities (INDS 1997:42).

The critical strategies suggested (pages 42 to 45) are:

- Occupational choice, namely that persons with disabilities should be provided with a range of employment opportunities aimed at meeting different needs and offering real possibilities for occupational choice;
- inter-sectorial collaboration, namely that employment opportunities will only come about if a number of government departments and key stakeholders in the NGO and private sector, work together;
- training of the recruitment staff and other human resource management staff of organisations, needs to be encouraged to ensure that they understand the options available in the placement and promotion of disabled job seekers and employees;
- employment and training opportunities for disabled persons should be provided on an equitable basis, and in accordance with equitable employment practices;
- the INDS (1997) suggests that employment targets for persons with disabilities at entry and higher levels, must be determined for both the private and the public sector;
- the promotion and implementation of policies and programmes for disabled persons which ensure equity in terms of employment benefits, status and conditions, is an area of priority including-
  - equitable provision of employment benefits;
  - equitable application of the BCEA;
  - the application of these standard working conditions to sheltered employment;
  - the promotion of measures to protect disabled workers against discriminatory practices during retrenchment;
  - the promotion of reasonable and equitable work environments for disabled workers which could include incentives to encourage the accommodation of workstations to facilitate the employment of persons with disabilities, through the provision of assistive devices, personal assistance, specialised and alternative technology and equipment and adjustments to the work environment;
  - the use of vocational assessment techniques to facilitate the matching of disabled job-seekers with job-related requirements;

- the listing of essential job requirements as a basis for determining the suitability of disabled job-seekers;
- the use of incentives to encourage the provision of work instruments, machine adaptations, documentation and tools in a format that is usable by and equitably accommodate the needs of disabled workers;
- the promotion of alternative work arrangements and hours;
- the evaluation of the performance and productivity of disabled employees on an equitably comparative basis with non-disabled employees; and
- creation of work opportunities for persons with disabilities through the development and maintenance of small, medium and micro-enterprises.

The following principles and role-players continually feature in the INDS (1997):

- Self-representation, namely persons with disabilities are best equipped to change, for example, perceptions and attitudes towards disability and should therefore play a central role in the development of strategies and projects through organisations for persons with disabilities.
- South African Human Rights Commission (SAHRC) with one of its responsibilities, as defined by the Constitution, 1996 to take the lead in the promotion of human rights pertaining to persons with disabilities.
- Training of personnel dealing with the public should contain disability awareness components so that they may understand the Social Model of disability and its implications.
- Decreasing discrimination against persons with disabilities based on archaic beliefs and customs.
- Putting a value on diversity by creating a positive and accommodating environment in which diversity is respected and valued.
- Assistive devices and rehabilitation technology which enable individuals with disabilities to participate on equal terms. If persons with disabilities are to access their rights and responsibilities and participate in society as equal citizens they must have access to appropriate and affordable assistive devices.

The extremely high level of unemployment amongst persons with disabilities can be attributed to a number of factors:

- Low skill levels due to inadequate education;
- discriminatory attitudes and practices by employers;
- past discriminatory and ineffective labour legislation;
- lack of enabling mechanisms to promote employment opportunities;
- inaccessible public transport;
- inaccessible and unsupportive work environments;
- inadequate and inaccessible provision for vocational rehabilitation and training;
- generally high levels of unemployment;
- the fact that menial labour is often the only option for poorly skilled job-seekers;
- inadequate access to information; and
- ignorance in society.

The high level of functional illiteracy amongst disabled adults is a direct result of the lack of educational opportunities for children with disabilities, especially in rural areas. The result is low skill levels and a correspondingly limited access to employment opportunities.

As a result those persons with disabilities who do have jobs, often find themselves working in sheltered/protective workshops run either by the Department of Labour, by private welfare organisations, or by disabled persons themselves. Although the nature and scope of these workshops and self-help projects are considerable, they do not provide persons with disabilities and their families with sustainable incomes or opportunities for competitive economic activity.

## **5.9 THE TECHNICAL ASSISTANCE GUIDELINES ON THE EMPLOYMENT OF PERSONS WITH DISABILITIES**

The Department of Labour issued the Technical Assistance Guidelines (TAG) on the Employment of Persons with Disabilities, towards the end of 2003. The purpose of the TAG is to assist employers, employees, trade unions and persons with disabilities to understand the EEA and its Code of Good Practice: Key aspects on the Employment of Persons with Disabilities in the Workplace (referred to earlier as

the Disability Code). This includes non-discrimination and affirmative action measures and provides guidelines on how to implement it.

The TAG explains the definitions of “disability” and “impairment” and the practical implementation/meaning thereof. It also explains the practicalities of reasonable accommodation and provides practical examples. It provides guidelines on dealing with the following human resource management practices:

- Recruitment and selection;
- medical and psychological testing and other similar assessments;
- placement;
- training and career enhancement;
- retaining persons with disabilities;
- termination of employment;
- workers compensation;
- confidentiality and disclosure of disability;
- employee benefits;
- employment equity planning in respect of persons with disabilities; and
- education and awareness.

The TAG does not add any new dimension to the management of disability and employment but it merely sets out the practical explanation of the EEA and the Disability Code.

## **5.10 CODE OF GOOD PRACTICE: INTEGRATION OF EMPLOYMENT EQUITY INTO HUMAN RESOURCE POLICIES AND PRACTICES**

The Minister of Labour issued the Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices (Integration Code) on 4 August 2005. The objective of the Integration Code is to provide guidelines on the elimination of unfair discrimination and the implementation of affirmative action measures in the context of key human resource areas, as provided for in the EEA. The Integration Code is not intended to be a comprehensive human resource management code, but rather an identification of human resource management

areas that are key to employment equity and can be used to advance equity objectives.

The guidelines set out in the Integration Code enable employers to ensure that their human resource management policies and practices are based on non-discrimination and reflect employment equity principles at the commencement of employment, during employment and when terminating employment.

The structure of the Integration Code mirrors the life cycle of an employee in employment. It deals with possible constraints and unfair discrimination that could occur at each phase, including commencing employment, during employment and on termination of employment. It also describes affirmative action measures that could be used at each phase to advance the objectives of the EEA. It focuses on the following areas:

- Scope, which provides a brief definition of the topic in the context of the employment life cycle;
- impact of employment equity which details the non-discrimination principles and affirmative action measures that are relevant to the topic;
- policy and practice matters which provides information about the policy and practice matters that could arise, and makes suggestions regarding their implementation;
- linkages with other areas which identifies cross-references to other key topics as well as other relevant codes and legislation dealt with in the codes.

Some of the key contributions of the Integration Code are:

- Removing constraints as the first step towards ensuring fairness and equity in the workplace. In the context of historical disparities in South Africa, the EEA requires employers, employees and representative trade unions to jointly develop strategies to advance designated groups by adopting appropriate affirmative action measures and incorporating them into formal employment equity plans. Affirmative action measures are essentially remedial measures designed to redress the imbalances of the past. This is a mandatory strategy to achieve equity in employment as an outcome;

- it provides guidance in relation to the audit, analysis and consultation aspects of the employer's obligations through:
  - Consulting with its employees and representative trade unions;
  - auditing and analysis of all employment policies and practices in the workplace and developing a demographic profile of its workforce;
  - preparing and implementing an employment equity plan; and
  - reporting to the Department of Labour on progress made on the implementation of its employment equity plan.

The Integration Code also links to other human resource management practices namely:

- Performance management suggesting that senior management performance should be, amongst others, measured against the extent to which they have achieved their numerical targets; and
- promotions, namely that succession planning and decisions on promotion must take account of an employer's numerical targets and ensure that under-represented groups in identified categories are developed and promoted.

Similar to the TAG the Integration Code does not add any new dimensions. It sets out to explain the EEA with specific emphasis on aspects of integrating employment equity into human resource management practices. This is a positive contribution to the process of employing persons with disabilities, although the impact of the Integration Code is not significant.

### **5.11 THE SMALL, MEDIUM AND MICRO ENTERPRISE WHITE PAPER**

The Small, Medium and Micro Enterprise White Paper (SMME) identify disabled entrepreneurs as a target group. The Ntsika Enterprise Promotion Agency (NEPA) which was established through this White Paper has in response, appointed a disabled person to assist with the development of targeted assistance measures and the removal of constraints within the SMME sector for disabled entrepreneurs.

It also sets out to create more opportunities of protective/sheltered employment, for example, sheltered/protective workshops and protected work environments within ordinary places of work.

Existing mainstream vocational training centres should be made accessible to accommodate the specific physical, communication and learning needs of persons with disabilities. In this way persons with disabilities can be prepared for and find work opportunities in the open labour market. Support (financial and training) should be given to existing self-help groups, which presently provide training of this nature.

In terms of human resource development, the objective is to develop the capacity of disabled persons through their participation in the economic development of their communities and the country, governance and maintaining of the opportunities for persons with disabilities within their local communities and at local and national level.

The strategies for achieving these policy objectives are:

- Skill development;
- inclusive training;
- setting specific standards for training modules;
- participation by disabled persons in developing and upgrading of training modules; and
- development and integration of Adult Basic Education and Training in other training modules presented at vocational training centres.

The White Paper further recommends comprehensive anti-discrimination legislation which must seek to address past inequalities by means of equalising opportunities while controlling any tendency towards further discrimination. The establishment of a monitoring system at all levels which must cover the full environment, but also targeting:

- Women and girls, particularly with intellectual disabilities due to their vulnerability to sexual and physical abuse;
- disabled elderly persons;
- disabled woman and rural disabled persons in the workplace;
- abused children in institutes for disabled children;

- parents with disabled children; and
- disability groups with specific needs.

Prahalad (2006:2) presents the vision of the co-creation of a solution to the problem of poverty if large and small firms, governments, civil society organisations, development agencies and the poor themselves work together with a shared agenda. In this case the focus area is persons with disabilities. The strategy in the White Paper is very limited as it does not create a framework to co-create a solution to the problem of poverty amongst persons with disabilities. It's much more "protectionist" than it is "developmental" and "entrepreneurial". This is an area requiring more development in South Africa.

## **5.12 NATIONAL BUILDING REGULATIONS**

Accessibility of buildings is a significant constraint or even a barrier to persons with disabilities and in their employment. The increase in the number of employees with disabilities would be disrupted by a constraint as significant as this. The standard with which each building must comply is determined by the South African Bureau of Standards (SABS). The SABS drafts and publishes the National Building Regulations (NBR) (SABS 0400-1990) and the Code of Practice (SABS 02 Ed) in terms of section 17 of the National Building Regulations and Building Standards Act, 103 of 1977. Part S of the NBR regulates the accessibility to buildings.

Part S of the NBR sets the national standard to which buildings should comply to be accessible to persons with disabilities. The term "accessible" is defined as "the effective use of a site, building or facility by a disabled person". The sign used to indicate that a building is disability friendly, consists of a figure in a wheelchair and a plain background as shown in Figure 1.

**Figure 1: International symbol indicating that a building is disability friendly**



(Source: NBR)

This is an international symbol. Facilities that are not in accordance with the requirements of this standard may not bear this symbol. The symbol is the property of the International Standards Office and its use can only be sanctioned where the minimum requirements of the NBR have been met.

Many South African buildings are smaller buildings and therefore would not require compliance with Part S of the NBR. This raises the constitutionality of the NBR. Accessibility is a barrier which directly discriminates against persons with disabilities. This is an issue requiring serious attention of owners of buildings and employers. To determine whether a building is accessible, it is necessary to do an audit against a standard or a checklist.

The accessibility of buildings does have an economic aspect. However, if proper planning is done from the outset additional costs can be significantly reduced.

### **5.13 IMPLEMENTATION STRUCTURES**

The relative newness of disability management in South Africa has resulted in a fragmented approach to implementation. The following organisations are the most important role players in disability management:

- Office on the Status of Persons with Disabilities;
- Ministry of Women, Children and Persons with Disabilities;
- Department of Labour;
- Department of Social Development;
- South African Social Security Agency;
- Commission for Conciliation, Mediation and Arbitration;
- Labour Court;
- Employment Equity Commission; and
- South African Human Rights Commission.

The Office on the Status of Persons with Disabilities (OSDP) was the first structure created specifically for the management of disability. It was created after the 1994 general election in South Africa. It was a very small component (three to five employees) but strategically situated in the Office of the President of South Africa. The OSDP created a nodal point for disability management and they produced the INDS (1997) discussed extensively earlier in this chapter. The OSDP had no implementation responsibilities but successfully provided strategic direction and gathered political support for the establishment of the socio-political disability model.

Following the 2009 general election the new administration restructured the government configuration extensively. Disability management became part of the newly created Ministry of Women, Children and Persons with Disabilities. This newly created Ministry is established within the Presidency. This was a significant elevation in status for the OSDP and it also emphasises the relevant importance that the new administration, under the leadership of President Jacob Zuma, attaches to this vulnerable group. Although the Department which will support this Ministry is still in the process of being established at the time this research is finalised, early indications are that more senior officials will be assigned the responsibility of providing strategy and direction in disability management.

The implementation of the various elements of disability management is assigned to the Department of Labour, Department of Social Development and the South African Social Security Agency. The Department of Labour provides policy and implements various employment related initiatives. The Minister of Labour has appointed the

Employment Equity Commission to advise on all employment equity related matters, including disability management. The monitoring of progress with the implementation of the EEA, through employment equity reports, provides valuable information. This information is published annually in various reports including the Annual Report of the Employment Equity Commission. The Department of Social Development provides policy on social security matters and various social grants, including the disability grant. The actual payment of these grants takes place through the South African Social Security Agency.

Labour disputes related to unfair labour practices and unfair dismissal are dealt with through the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Labour Court. Disputes related to discrimination are initially mediated by the said Commission and thereafter referred to the Labour Court.

The South African Human Rights Commission (SAHRC) is also a very important role-player in disability management. The Constitution, 1996 is a cornerstone of this new democracy. The equality clause (section 9) includes disability as a prohibited ground for discrimination. The SAHRC has been mandated to promote respect for human rights and a culture of human rights (section 184(1) of the Constitution, 1996, Newsletter of the SAHRC, 2000).

The South African Human Rights Commission have functions and powers that are far reaching, including the power of search and seizure, the power to subpoena, and the ability to litigate on a person's behalf or on behalf of a group of people. The Constitution, 1996 requires the Commission to monitor the progressive realisation of the economic and social rights contained in the Constitution. The Commission has developed the protocols and the government "fears" the protocols as it seeks information from government departments on various critical issues (McClain-Nhlapo, Commissioner of the SAHRC - <http://www.sahrc.org.za> and [www.eeoc.gov/abouteeoc/40th pane/firstprinciples.html](http://www.eeoc.gov/abouteeoc/40th%20pane/firstprinciples.html)).

Another very important function of the Commission is to advise the government on policy and legislation. The Commission was responsible for facilitating the development of the South African Promotion of Equality and Prevention of Unfair

Discrimination Act, 4 of 2000 (PEPUDA – as discussed earlier in the chapter). The drafting of PEPUDA was facilitated by the South African Human Rights Commission and included a great amount of consultation with disabled persons’ organisations (McClain-Nhlapo, Commissioner of the SAHRC - <http://www.sahrc.org.za>).

The first case brought before a court of law in South Africa was discrimination based on disability. The Commission acted on behalf of the complainant, who was an attorney using a wheelchair and was unable to access one of the South African courts. The legal argument was that because the courthouse was inaccessible to wheelchair users, such users were discriminated against in view of their disabilities. The equality courts (which were separate, basic courts established to support this piece of legislation), found against the Department of Justice and the Department of Public Works. They then required all courts in South Africa to become accessible within five years. This was seen as a major victory for persons with disabilities in South Africa (McClain-Nhlapo, Commissioner of the SAHRC - <http://www.sahrc.org.za> and [www.eeoc.gov/abouteeoc/40th pane/firstprinciples.html](http://www.eeoc.gov/abouteeoc/40th%20year/firstprinciples.html)).

The Commission on Employment Equity raised its concern in its 2007/2008 Annual Report that the lack of cases involving unfair discrimination reaching the Labour Court are due to the high costs and the accessibility of the Labour Court system. They made recommendations that the powers of the CCMA be expanded in this area. This recommendation has not been implemented to date.

#### **5.14 DISCUSSION OF THE SOUTH AFRICAN DISABILITY MANAGEMENT FRAMEWORK**

Similar to the assessments of the disability management strategies in the USA and the UK, the South African framework should be assessed. The same criteria or areas of assessment will be used. The assessment of the South African disability management framework is presented in Table 18 below.

**Table 18: Assessment of the disability management framework of South Africa**

No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
1.	Constitutional determination and protection against discrimination	Section 9 of the Constitution, 1996 provides protection for persons with disabilities against discriminatory practices. The



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
	for persons with disability.	Constitution, 1996 also provides for fair labour practices. The EEA and the other relevant policy frameworks are either directly or indirectly linked to the Constitution, 1996 as reference is made to the right of a person with disability not to be discriminated against. This reference is made in for example par 1.5, 2.3.2 and par 4.1 of the TAG.
2.	General legislative determination against discrimination and the protection of persons with disabilities.	The EEA and PEPUDA legislate in this regard. These provisions are to protect persons with disabilities against discrimination and to affirm them in terms of employment. A single Act dealing comprehensively with disability management, like in the case of the USA and the UK does not exist in South Africa. The lack of such single Act is a significant weakness in the South African disability management framework.
3.	Institutions responsible for the implementation and enforcement of the constitutional and legislative provisions.	The relative newness of disability management in South Africa has resulted in a fragmented approach to implementation. The Office on the Status of Persons with Disabilities (OSDP) is the first structure created specifically for the management of disability. During 2009 the OSDP was absorbed into a newly created Ministry of Women, Children and Persons with Disabilities. The implementation of the various elements of disability management is assigned to the Department of Labour, Department of Social Development and the South African Social Security Agency. The Department of Labour provides policy and implements various employment related initiatives. The Minister of Labour has appointed the Employment Equity Commission to advise on all employment equity related matters, including disability management. The monitoring of progress with the implementation of the EEA, through employment equity reports, provides valuable information. The Department of Social Development provides policy on social security matters and various social grants, including the disability grant. The actual payment of these grants takes place through the South African Social Security Agency. Labour disputes related to unfair labour practices and unfair dismissals are dealt with through the CCMA and the Labour Court. Disputes related to discrimination are initially mediated by the said Commission and thereafter referred to the Labour Court. The South African Human Rights Commission (SAHRC) is also a very important role-player in disability management. The Constitution, 1996 is a cornerstone of this new democracy. The equality clause (section 9) includes disability as a prohibited ground for discrimination. The SAHRC has been mandated to promote respect for human rights and a culture of human rights (section 184(1) of the Constitution, 1996, Newsletter of the SAHRC, 2000).

No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
4.	Definition of disability.	<p>Chapter 5 of the TAG emphasises the three criteria covered in section 1 of the EEA relating to the definition of persons with disability, namely par 5.1.1:</p> <p>A person must have an impairment which may either be physical, mental or a combination of both. A physical impairment is described as a partial or total loss of a bodily function or part of the body including sensory impairments. A mental impairment is described as a clinically recognised condition of illness that affects a person's thinking process, judgement or emotions including intellectual, emotional and learning disabilities.</p> <p>The impairment must also be long term or recurring. Long term is referred to as at least 12 months while recurring means the impairment is likely to happen again.</p> <p>The impairment must be substantially limiting. It indicates that if the effects of the impairment are not substantially limiting, even if they are physical and/or mental, is long-term or recurring, the person is not covered under the EEA.</p> <p>It is emphasised (p11) that it is necessary to do a careful, case by case analysis to determine whether an impairment substantially limits a person's prospects of entry into, or advancement in employment.</p>
5.	Human resource management practices covered.	<p>Employment related areas covered are:</p> <p>Reasonable accommodation (Chapter 6).</p> <p>Recruitment and selection (Chapter 7).</p> <p>Medical and psychological testing and other similar assessments (Chapter 8).</p> <p>Placement (Chapter 9).</p> <p>Training and career advancement (Chapter 10).</p> <p>Retaining persons with disabilities (Chapter 11).</p> <p>Termination of employment (Chapter 12).</p> <p>Worker compensation (Chapter 13).</p> <p>Confidentiality and disclosure of disability (Chapter 14).</p> <p>Employment benefits (Chapter 15).</p> <p>Employment equity planning in respect of persons with disabilities (Chapter 16).</p> <p>Education and awareness (Chapter 17).</p>
5.1.	Recruitment and selection (including medical and psychological testing, placement, compensation, confidentiality and	<p>Employers are to draw up the job profiles and specifications that identify the inherent requirement and essential functions of the job and the skills and capabilities required to perform the job.</p> <p>Application forms should focus on identifying an applicant's ability</p>



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
	disclosure).	<p>to perform the inherent requirement of the job. Employers should provide opportunity in the application for the applicant to voluntarily disclose his or her disability status.</p> <p>The advert should be clear and concise but contain enough detail so that the applicant can make an informed decision. Adverts should not contain any unnecessary criteria that do not pertain to the essential functions of the job as this may unfairly exclude persons with disabilities.</p> <p>Selection criteria that are fair and non-discriminatory should be used. The same criteria must be used by the employer for disabled as for non-disabled job applicants.</p> <p>Employers should carefully document the selection process to ensure that they are in a position to show that they did not discriminate in selecting a specific candidate. Discrimination in selection criteria relating to a functional impairment is reasonable when impairment makes it impossible to perform the inherent requirements of the job.</p> <p>The interview should focus on the applicant's ability to perform the essential functions of the job irrespective of the degree or severity of the disability. No further detailed discussions should be entered into. Conditional job offers may be made to one person at a time to allow the employer to assess the ability of the applicant with a disability to perform the essential functions of a job, with or without reasonable accommodation. This is not intended to assess the medical condition nor the nature of the disability. The conditional job offer may be withdrawn if the testing shows that:</p> <ul style="list-style-type: none"><li>➤ Accommodation requirements would create unjustifiable hardship; or</li><li>➤ there is an objective justification that relates to the inherent requirement of the job; or</li><li>➤ this is an objective justification that relates to health and safety.</li></ul> <p>An employer may require a medical examination or make a disability-related inquiry as the inquiry or exam is relevant and appropriate to the kind of work for which the applicant or employee is being tested. Any medical information obtained must be treated as a confidential medical record.</p> <p>A disability related inquiry is a question (or series of questions)</p>



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		<p>that is likely to elicit information about a disability. The same principles noted above apply to a situation where an existing employee is injured, either on-the-job or off-the-job, and the testing is needed to assist in the decision as to whether and how the individual should be accommodated, if necessary.</p> <p>The EEA provides that psychological testing and other similar assessments of an employee are prohibited unless the test or assessment being used:</p> <ul style="list-style-type: none"><li>➤ Has shown to be scientifically valid and reliable;</li><li>➤ can be applied fairly to all employees; and</li><li>➤ is not biased against any employee or group.</li></ul> <p>An individual with a disability should not, because of a disability, be assigned to a job with less favourable conditions than that of a not disabled employee. An employer may also not limit, segregate, or classify an individual with a disability in any way that negatively affects the individual in terms of job opportunity and advancement.</p> <p>Rates of pay or any other forms of compensation must be the same as that of the not disabled colleague(s).</p> <p>The placement of persons with disabilities into the workplace must be followed by comprehensive orientation and induction training that must include disability sensitisation training. The induction training is therefore an opportunity to guarantee that all the stakeholders are given the skills to succeed in this new relationship, which must be based on mutual respect, understanding and trust.</p> <p>The employer needs to consult with the employee on what type of reasonable accommodation might be needed during the induction training.</p> <p>Employers, including health and medical services personnel, 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.</p> <p>A legitimate purpose would be to ensure that the purposes of the EEA are furthered e.g. the non-discrimination and affirmative action if appropriate through the use of the information.</p> <p>The applicant or employee with a disability may choose to</p>



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		<p>disclose his or her disability, impairment and related accommodation requirements at any time in the employment process. However, if the person with a disability chooses not to disclose, the employer may not be aware of the needs of the employee, especially if the impairment is not self-evident. In this case, the employer is not obliged to provide the accommodation. If the disability, however, is self-evident, the employer can reasonably be expected to be aware and to be proactively involved in identifying with the applicant or employee what accommodation may be required.</p> <p>An employee with a disability can disclose the disability at any time, even if there is no immediate need for reasonable accommodation.</p> <p>If the disability is not self-evident and the employee discloses that they have a disability and may need accommodation, the employer may require the employee to disclose sufficient information to confirm the disability status and the accommodation requirements.</p> <p>An employer is entitled to request testing under certain conditions. If further information is needed, the employer may request a functional assessment of a specific job-related disability, and must bear the costs of the test.</p> <p>Competent vocational and occupation personnel with expertise, from within or outside the company, should be used to gather the required information. These personnel would be carefully evaluated to make sure they understand the EEA, codes and related best practices both in South Africa and Internationally.</p> <p>The employer must ensure that benefit schemes do not unfairly discriminate, either directly or indirectly, against any applicant or employee with a disability. This applies whether the employer provides access to the scheme directly or indirectly. No benefit scheme can refuse membership to an applicant or employee simply because they have a disability.</p> <p>In order to ensure retention of qualified employees with disabilities and to reduce the costs of benefit schemes, designated employers should investigate and where reasonable, offer benefit schemes that reasonably accommodate employees with disabilities. These include vocational rehabilitation, training and temporary income replacement benefits to employees who,</p>



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		because of illness or injury, cannot work for an extended period.
5.2.	Training and career advancement.	<p>The EEA, Disability Code and TAG should be the baseline documents for any training conducted within a company on the employment of persons with disabilities. The Disability Code and the TAG should form the basis for the content of any company's Disability Employment Equity Policy.</p> <p>The members of the Employment Equity Forum(s) should be trained on the content of the Disability Code and the TAG.</p> <p>All human resource managers should be trained on how to incorporate the content of the Disability Code and the TAG in their current recruitment policies and practices so as to enable them to comply with Chapter 2 (Prohibition of Unfair Discrimination) of the EEA.</p> <p>Whatever disability an employee may have, the employee should be actively engaged in planning his/her own career development. All training plans and courses must be fair and without discrimination. Training courses must be accessible to employees with disabilities.</p> <p>The only way to overcome fears, myths and negative attitudes about the abilities of employees and applicants with disabilities is through vigorous education and training within the private and public sectors.</p>
5.3.	Performance management.	<p>Performance management and reward systems and practices to evaluate work performance should clearly identify, fairly measure and reward performance of the essential functions of the job. Key performance or measurable output indicators should be identified between the employer and employees with a disability prior to the job taking place. Any performance processes involving interventions or reward or recognition must not unfairly discriminate on the basis of disability. In many instances employees are rewarded on criteria such as efficiency which is often limited to perceptions of getting the job done as quickly as possible. Efficiency and other criteria, used to evaluate performance should be developed from a holistic perspective (where attention is given to objective performance standards, effectiveness and quality of output).</p> <p>Reasonable accommodation must be provided when an applicant or employee voluntarily discloses a disability related accommodation need or when such a need is reasonably self-</p>



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		evident to the employer.
5.4	Retention.	<p>To prevent a disability from occurring, and when necessary, to intervene early following the onset of a disability by using coordinated, cost-conscious, quality case management and rehabilitation services that reflect an organisation's commitment to continued employment of those experiencing functional work limitations.</p> <p>Integrated disability management coordinates occupational and non- occupation disability benefits, for example absence and paid leave programmes, with a focus on early return to work.</p> <p>Increasingly, integrated disability management programmes also coordinate health and behavioural health care, health promotion, disease management, medical case management services and employee assistance programme (EAP).</p> <p>Coordinate access for employees to disability / income replacement benefits. Reasonable and flexible benefit and sick leave management.</p> <p>The essential job functions are the foundation upon which the qualifications and competencies of employees with disabilities are evaluated to determine whether a reasonable accommodation option exists.</p> <p>Linking physicians, employees with disabilities and the company in developing return-to-work plans.</p> <p>Development of job modification and return-to-work options as medically appropriate.</p> <p>Engaging employees with disabilities in meaningful discussion of their work options is a basic tenet.</p> <p>Return-to-work or reasonable accommodation options, amongst others, include transitional work (temporary changes in job duties or techniques during periods of recuperation); modified work (changes in work tasks, schedules, methods or equipment); or alternate work (reassignment to a different job if accommodation cannot be made in the original position).</p> <p>The reasonable accommodation process should be followed even if restrictions are expected to be temporary, in order to make</p>

No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		appropriate return-to-work decisions.
5.5.	Labour relations.	If an employer is unable to retain the employee who becomes disabled or who is no longer able to do the job, the employer may consider terminating the employment relationship in accordance with Schedule 8 of the Labour Relations Act, 66 of 1995. Employers should assist with work related compensation.
6.	Reasonable accommodation.	<p>It describes reasonable accommodation as that all designated employees should reasonably accommodate the needs of persons with disabilities. It also indicates that this is a non-discriminative and affirmative action requirement. It states that reasonable accommodation is an effective affirmative action measure which is aimed at reducing the impact of the impairment of the person's capacity to perform essential functions of the job (par 6.1).</p> <p>The criteria for reasonable accommodation is stated as including three interrelated factors, namely:</p> <ul style="list-style-type: none"> <li>➤ The barriers must be removed by the reasonable accommodation;</li> <li>➤ persons with disabilities must be allowed to enjoy equal access to the benefits and opportunities of employment; and</li> <li>➤ employers can adopt the most cost effective means committed with the above two criteria.</li> </ul> <p>The reasonable accommodation applies to applicants and employees throughout the period of employment, namely:</p> <ul style="list-style-type: none"> <li>➤ Employer to analyse the job functions (6.3.1) to determine the inherent basic qualification and competencies required to perform essential functions;</li> <li>➤ job advertisements and applications must be made available in an appropriate format;</li> <li>➤ interview process must be held at a location which is fully accessible;</li> <li>➤ assessment or skills testing should be free of bias and discrimination;</li> <li>➤ staff must be sensitised and made aware of diversity in the workplace;</li> <li>➤ employees with disabilities should be consulted to ensure input specific to their career advancement. Determination should be made on where the person with a disability is presently, where the person wants to be and the career path to be followed to get there;</li> </ul>



No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		<ul style="list-style-type: none"> <li>➤ the employer is required to ensure through rehabilitation, training or any other appropriate measure the retention of existing staff with disabilities. Where existing employees become disabled the employer must ensure that the employee remains in his or her job before considering alternatives;</li> <li>➤ the Occupation Health and Safety Act, 85 of 1993 provides that the employer is obligated to provide and maintain a working environment that is safe to all employees. The needs of employees with disabilities must be included in a health and safety audit; and</li> <li>➤ The employer must take all reasonable steps to ensure that the working environment does not prevent persons with disabilities from accessing or retaining positions for which they are suitably qualified.</li> </ul> <p>It is indicated that reasonable accommodation must be discussed after the decision has been made that the person with disability complies with the job criteria and after a conditional job offer has been made.</p> <p>The employer is also obligated to reasonably accommodate the employee when changes to the work or the work environment occur.</p> <p>The employer should consult the employee and where reasonable and practical, technical experts to establish appropriate mechanisms to accommodate the employee.</p> <p>Reasonable accommodation may be temporary or permanent depending on the nature and extent of the disability.</p> <p>Employers are not obligated to provide reasonable accommodation if it creates unjustifiable hardship. Unjustifiable hardship is defined as action which requires considerable difficulty or expense.</p>
7.	Comprehensiveness and user friendliness of the legislative and policy framework to support the human resource management profession, persons with disabilities and managers in employing persons with disabilities.	<p>The TAG is difficult to get hold of. The document has been laid out clearly and it was written in a style which is easily understood.</p> <p>The level of detail in the TAG is quite extensive. However the information is fragmented between the EEA, PEPUDA, Disability Code, Integration Code and the TAG. This fragmentation and the low profile disability management generally enjoyed in South Africa causes the contribution of these documents to the</p>

No	RELEVANT AREA	CONCISE DESCRIPTION OF AREA
		employment of persons with disabilities to be negligible.
8.	General impact of the Constitutional determination, legislative framework and employment policy framework on the improvement of the employment figures of persons with disabilities.	The South African disability management framework is supposed to have a significant impact on the employment of persons with disabilities, but it fails to fulfil this expectation.
9.	Employers and employer's organisations.	The disability management framework places an important responsibility on the shoulders of employers since employers are obligated to comply with wide ranging determinations. This obligation is not clearly defined and this results in limited progress being made in the employment of persons with disabilities.
10.	Trade unions.	<p>Trade unions should include the Disability Code and the TAG in their education and training programmes.</p> <p>All trade unions should design a disability employment equity training programme as part of their broader diversity training.</p> <p>The programme should encourage employees with disabilities to share their own experiences. Unions can utilise the services of persons with disabilities to assist with the designing and facilitation of some of the sessions covered in the programmes. Existing disability management training providers should integrate the content of the Disability Code and the TAG into their current training material for trade unions.</p>
11.	Persons with disabilities.	<p>Persons with disabilities should play a leading role in creating awareness in the workplace and they must guide the development of all awareness programmes in the workplace. They must also consider becoming members of trade unions and any representative structures within the workplace in order to create hands on disability awareness training.</p> <p>Persons with disabilities are well represented through organisations to which persons with disabilities belong. These organisations are actively ensuring that the rights of persons with disabilities are recognised.</p>

Sources: Adapted from the Constitution, 1996, Employment Equity Act, Disability Code, Integration Code, TAG, and the INDS (1997).

## 5.15 SUMMARY

The contribution of this chapter to the research process and the development of a strategy to employ persons with disabilities can be summarised as follows:

- Section 9 of the Constitution, 1996 provides protection for persons with disabilities against discriminatory practices and for fair labour practices.
- The EEA and the other relevant policy frameworks are either directly or indirectly linked to the Constitution, 1996 as reference is made to the right of a person with disability not to be discriminated against.
- The South African disability management framework is largely compliant with the ICRPD as discussed in Chapter 4.
- A single Act dealing comprehensively with disability management, like in the case of the USA and the UK does not exist in South Africa. The lack of such single Act is a significant weakness in the South African disability management framework.
- The relative newness of disability management in South Africa has resulted in a fragmented approach to implementation. The newly created Ministry of Women, Children and Persons with Disabilities is strategically positioned in the Presidency to provide political and strategic force to disability management in South Africa.
- The level of detail in the TAG is quite extensive but the information is fragmented between the EEA, PEPUDA, Disability Code, Integration Code and the TAG.
- This fragmentation and the low profile disability management generally enjoy in South Africa cause the contribution of these documents to the employment of persons with disabilities to be negligible.
- The disability management framework places an important responsibility on the shoulders of employers since employers are obligated to comply with wide ranging determinations. This obligation is not clearly defined resulting in limited progress being made in the employment of persons with disabilities.

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## CHAPTER 6

### PREVALENCE OF PERSONS WITH DISABILITIES IN SOUTH AFRICA

“I’ve come loaded with statistics, for I’ve noticed that a man can’t prove anything without statistics”.  
Mark Twain

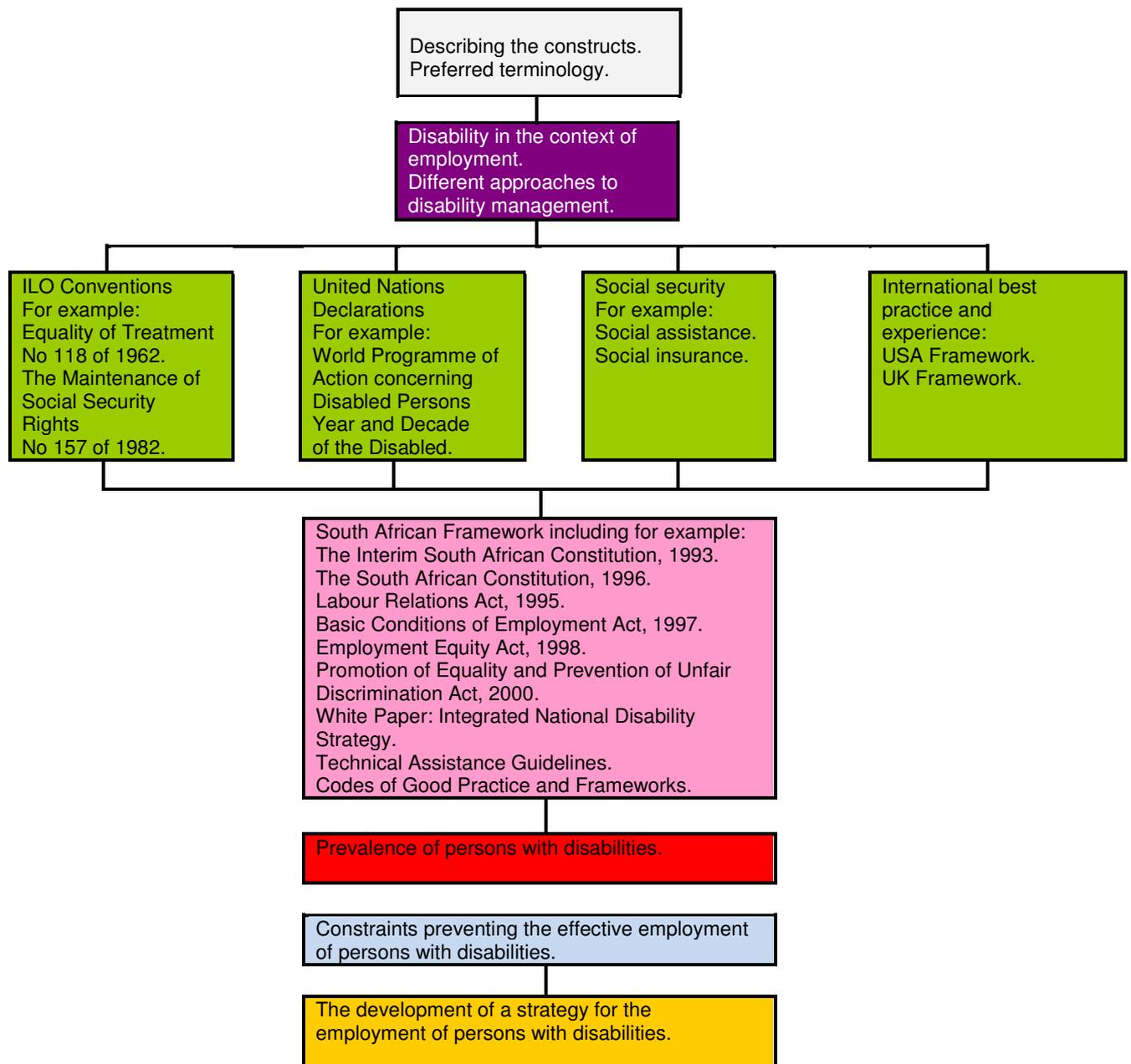
#### 6.1 INTRODUCTION

In this chapter, the prevalence of persons with disabilities in South Africa will be discussed. The number of persons with disabilities of a working age, the number employed, the number unemployed and the number actively seeking employment are relevant to the development of a strategy for the employment of persons with disabilities. Reference has been made in Chapter 1 that persons with disabilities constitute less than 1% of the total South African workforce, which raises the question, what the desired target should be. The prevalence of certain types of disabilities and level of education are also relevant to the employment of persons with disabilities.

The development of an effective strategy for the employment of persons with disabilities makes it necessary to know the number of persons with disabilities in South African society, as well as the number of working age employed/unemployed. Various publications quote figures, but these figures often vary significantly.

The relevant part of the Disability Management Literature Review Research framework is coloured red.

**Table 19: Disability management literature review research framework**



## 6.2 STATISTICAL STUDIES AND TRENDS IDENTIFIED PREVIOUSLY

It is necessary to know the prevalence of persons with disabilities. In order to develop and implement policy, nations need to know the size and make-up of their populations who experience disability (Altman 2006:1). There is a serious lack of reliable information on the nature and prevalence of disability in South Africa (INDS 1997:v). This is because, in the past, disability management was viewed within a health and welfare framework, leading to a failure to integrate disability into

mainstream government statistical processes. The INDS (1997:1) further states that the statistics are unreliable for the following reasons:

- Different definitions of disability are found;
- different survey technologies (*sic*) are used to collect information;
- negative traditional attitudes towards persons with disabilities;
- poor service infrastructure for persons with disabilities in underdeveloped areas; and
- violence levels in particular areas at particular times have impeded on the collection of data, affecting the overall picture.

The INDS (1997:3) further indicates an estimated 99% of disabled persons are excluded from employment in the open labour market.

The population Census conducted during 1996 included disability as a focus area and from the data gathered it was concluded that 6,7% of the population was disabled. During 1998 a baseline national survey was conducted on disability and the data provided an age-weighted count of 5,9% of the population as being disabled (Prevalence of Disability in South Africa 2005:6).

During the 1996 Census the question on disability was posed as follows: “Does the person have a serious sight, hearing, physical or mental disability? If yes, circle all applicable disabilities for the person: Sight 1; Hearing/Speech 2; Physical disability 3; Mental disability 4.” The disability question posed during the 2001 Census was posed differently, namely as follows: “Does the person have any serious disability that prevents his/her full participation in life activities? None 0; Sight 1; Hearing 2; Communication 3; Physical 4; Intellectual 5; Emotional 6.” The significant difference between these two questions makes it difficult to have comparable figures (Prevalence of Disability in South Africa 2005:8).

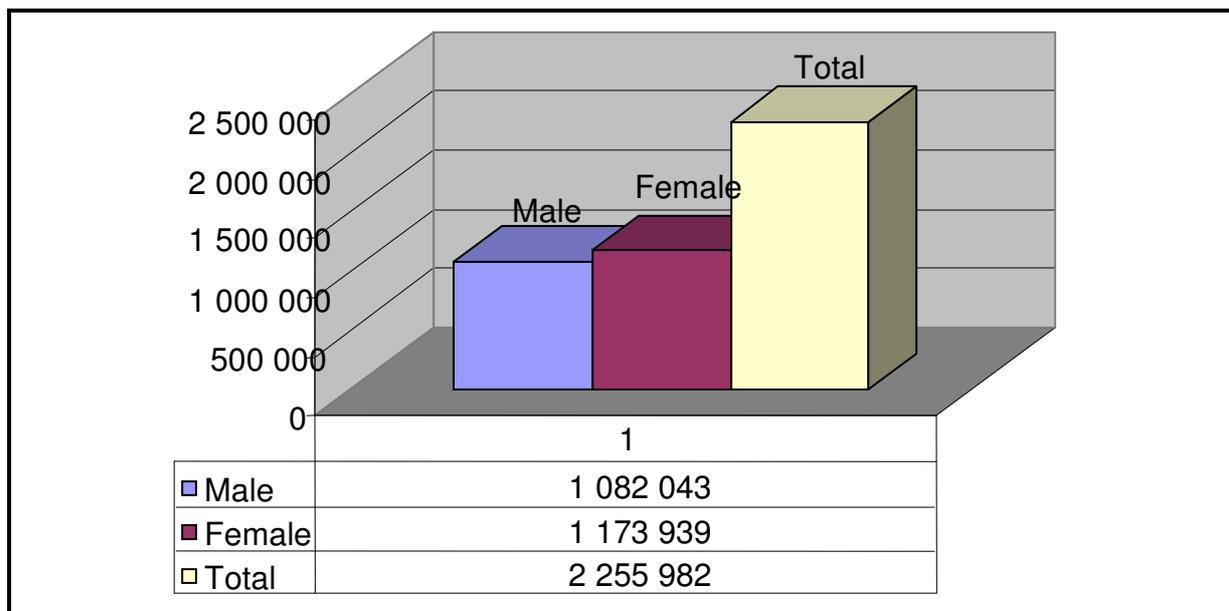
The South African Commission for Employment Equity confirms in its Annual Report (2004/2005) that data on disability remains unsatisfactory. The preceding background describes the challenges experienced to date in determining accurately how many persons with disabilities are in South Africa, and specifically how many are employed and unemployed. The results of these challenges are that it is difficult

to respond in an informed manner to disability management issues. In the employment context for example, the type of disability which is most prevalent and has the highest rate of unemployment, should be identified as a focus area in terms of a strategy for the employment of persons with disabilities. The discussion below is intended to identify some trends which would guide a strategy for the employment of persons with disabilities to focus on the most critical areas.

### 6.3 PREVALENCE AT NATIONAL LEVEL

The prevalence of persons with disabilities at a national level is presented in Table 20 below:

**Table 20: Number of persons with disabilities according to gender**



(Source: Prevalence of Disability in South Africa 2005:12)

From Table 20 it is observed that 5% (2 255 982/ 44 819 778) of the South African population is disabled as reported during Census 2001. The percentage is significantly lower (1,7%) than reported during the Census 1996 (6,7%) and during the baseline national survey conducted during 1998 (6%). It is difficult to explain this difference and perhaps the main contributing factor is the different wording of the questions used during the 1996 and 2001 Censuses respectively as discussed above.

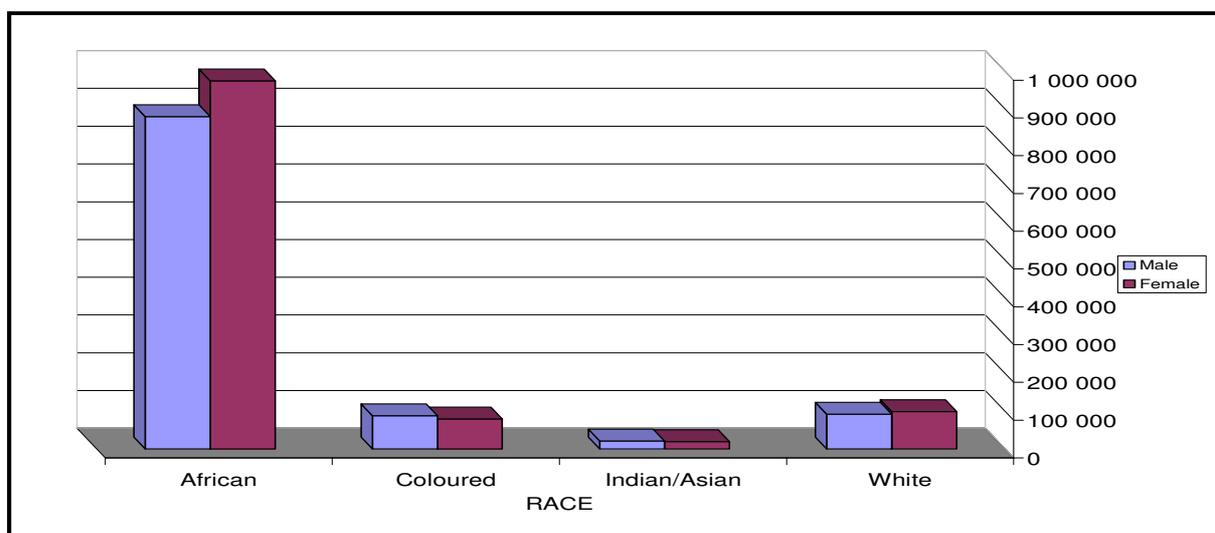
The wording of the question used in the 2001 Census referred to “...prevents his/her full participation in life activities?” A person with a disability responding to this question would have to decide whether his or her disability prevents full participation in life activities or not. Many persons with disabilities, considering the medical versus social model debate, consider themselves as able and society as the disabling factor in their full participation in normal living. The different wording would therefore not solicit a comparable response.

A precise number of the prevalence of persons with disabilities cannot be determined because the results of the studies and Censuses referred to above are not consistent and therefore it is not possible to determine a precise number. It is unlikely that the number of persons with disabilities would be less than 5% of the South African population. Considering the rurality of certain parts of South Africa, harsh living conditions and high levels of poverty, it is likely that disability will be more prevalent in these areas.

#### 6.4 PREVALENCE OF PERSONS WITH DISABILITIES BY GENDER AND POPULATION GROUP

The prevalence of persons with disabilities by gender and population groups is presented in Table 21 below:

**Table 21: Number of disabled persons by gender and population group**



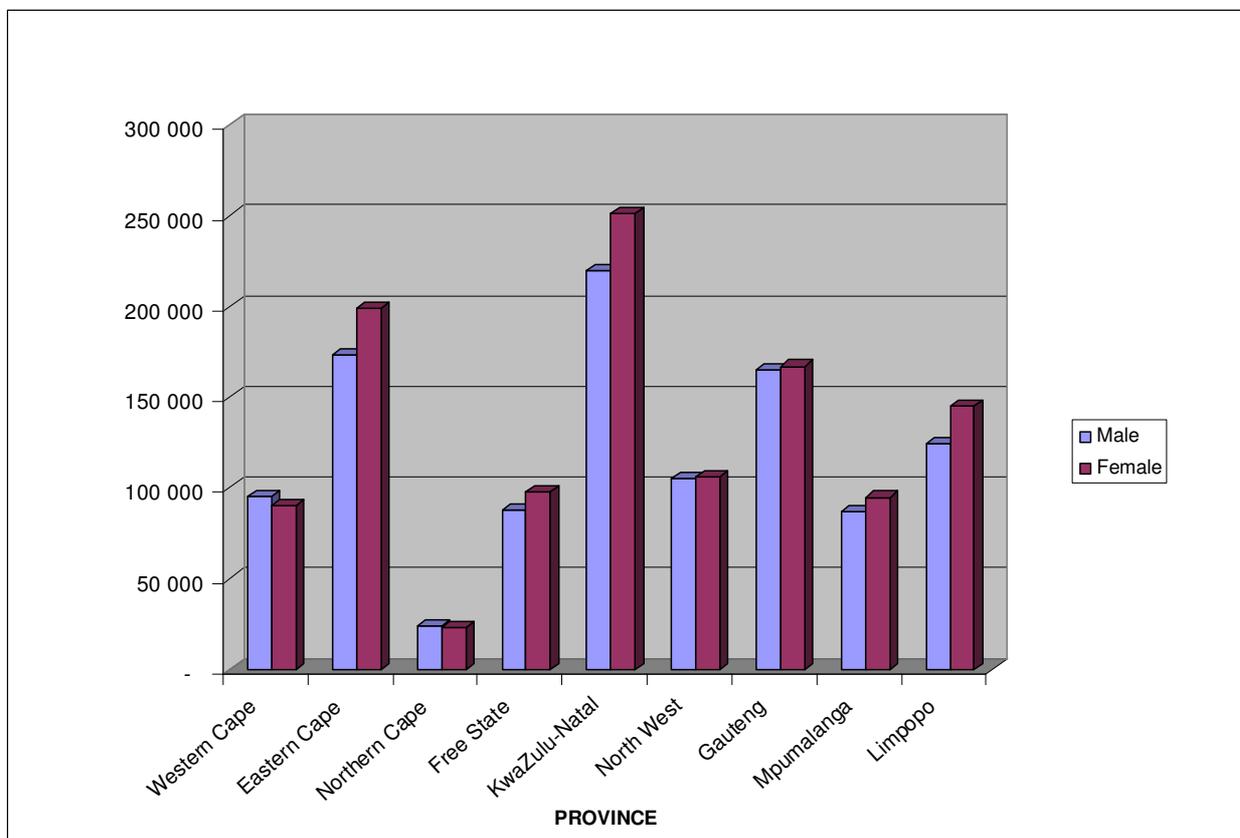
(Source: Prevalence of Disability in South Africa 2005:12)

The African population reported the highest number of disabled persons (1 854 376 or 5,2%), followed by White (191 693 or 4,5%), Coloured (168 678 or 4,2%) and Indian (41 235 or 3,7%). These percentage differences are probably due to a variety of socio-economic and demographic factors. Unique cultural perceptions and inhibitions with regard to reporting on disability could also impact on the percentage differences (Prevalence of Disability in South Africa 2005:11 to 12). The percentage of females affected was slightly higher than males in the African and White population groups and slightly lower in the Coloured and Indian/Asian population groups (Prevalence of Disability in South Africa 2005:12).

## 6.5 PREVALENCE BY PROVINCE

The prevalence of persons with disabilities on a provincial basis is presented in Table 22.

**Table 22: Number of persons with disabilities per province according to gender**



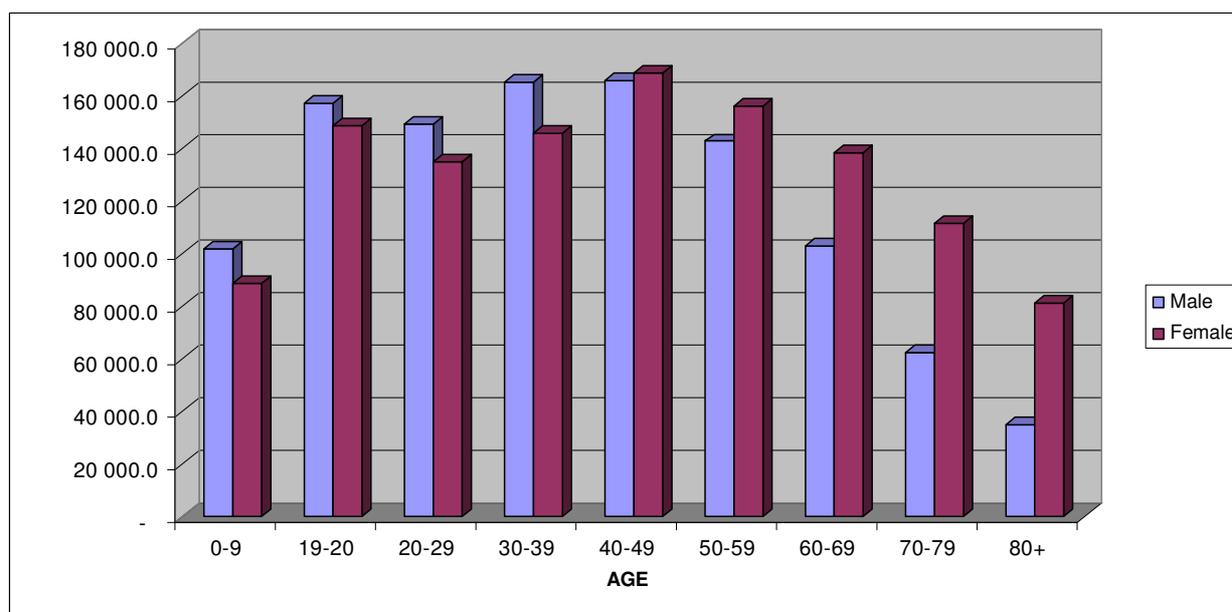
(Source: Prevalence of Disability in South Africa 2005:12)

KwaZulu-Natal has the highest number of persons with disabilities (470 588) while Northern Cape has the lowest number (46 973). In terms of the relative percentage to the population in the province, the Free State has the highest percentage of persons with disabilities (6,8%) while the Western Cape (4,1%) and Gauteng (3,8%) respectively have the lowest relative percentage prevalence (Prevalence of Disability in South Africa 2005:12).

## 6.6 PREVALENCE BY GENDER AND AGE

The number of disabled persons by gender and age group is presented in Table 23.

**Table 23: Number of disabled persons by gender and age group**



(Source: Prevalence of Disability in South Africa 2005:13)

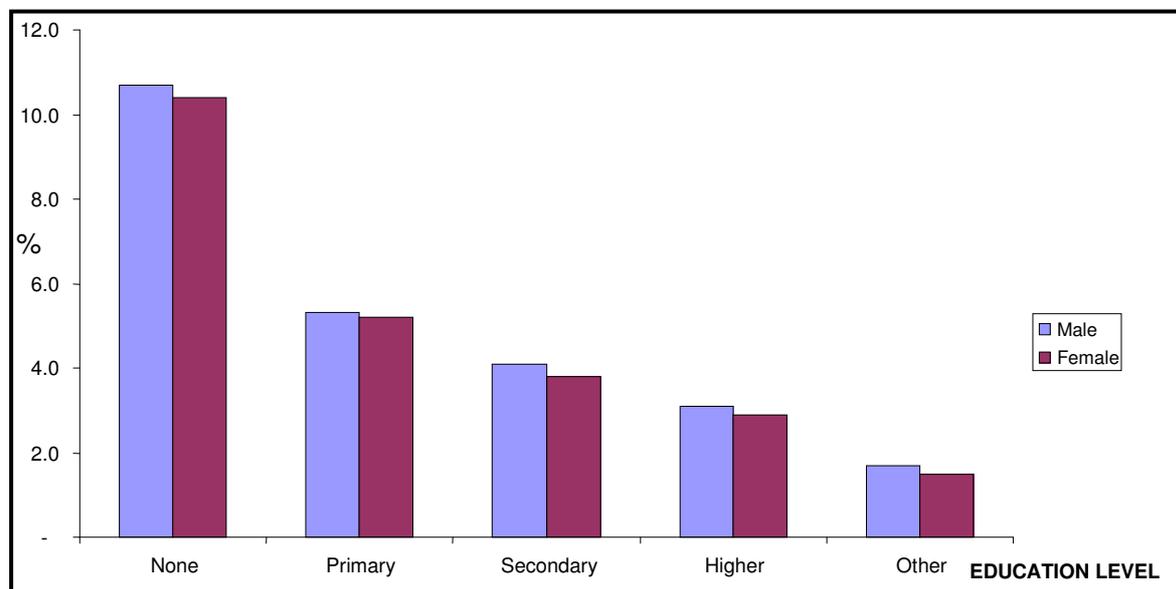
From Table 23 it is observed that the age profile of the disabled population indicates a steady increase from the lower age groups to the age category of 40-49 years of age. Below the age of 40 years more males are disabled while above the age of 40 more females are disabled. This trend is requiring further research since it could mean that more females are becoming disabled beyond the age of 40 years or it could mean that in future generations this trend could change by more men being disabled beyond the age of 40 years as the population grows older. It could also be ascribed to higher average longevity of women compared to men (Prevalence of

Disability in South Africa 2005:12). The majority of persons with disabilities are of a working age, namely between 19 and 69 years of age (normal working age in South Africa is 15 but the data does not reflect the said age groups).

## 6.7 PREVALENCE BY LEVEL OF EDUCATION

The number of persons with disabilities by level of education is presented in Table 24 below.

**Table 24: Percentage of persons with disabilities in each education category per gender**



(Source: Prevalence of Disability in South Africa 2005:13)

From Table 24 it is deduced that the percentage of persons with disabilities was highest among those who had no education (10,5%) and lowest among those with higher levels of education. This could be a reflection of the fact that persons with disabilities were often excluded from educational opportunities as the environment in regular schools does not facilitate integration sufficiently and the physical environment does not accommodate the needs of persons with disabilities. Another possible explanation is that low levels of education is generally associated with the higher prevalence of poverty, which in turn renders people more vulnerable to become disabled because of factors such as a lack of access to health care and rehabilitation. Hence the higher prevalence of disabilities in the group with no

education could be as a result of both a lack of access to educational opportunities and poverty (Prevalence of Disability in South Africa 2005:13). It is also reported that 30% of persons with disabilities had no schooling compared to 15% of the general population. The higher proportion of persons with disabilities with no schooling could be due to the disadvantaged position they have experienced as far as access to education/opportunities is concerned (Prevalence of Disability in South Africa 2005:20).

Against the background of developing a strategy for the employment of persons with disabilities, the higher prevalence of disabilities in the lower or no education groups is significant. It is a generally accepted principle that unemployment is the highest amongst persons with “lower-education” or “no-education”. The above statistics show that disability is also the highest in this group. The question that may arise is whether this group is indeed employable as a result of the lower or no education.

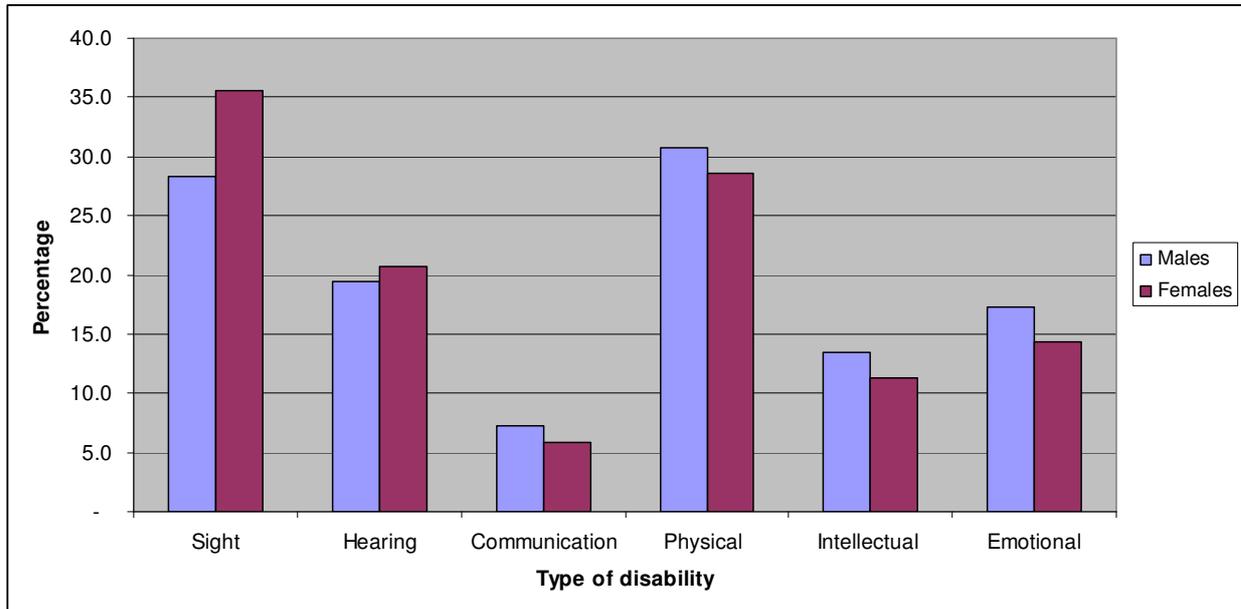
The Census, 2001 does unfortunately not provide an answer to this question. In general terms, the work at lower levels in organisations demand lower levels of thinking and higher levels of physical ability. This may not suit certain types of disability (for example physical disabilities) but it may suit other types of disabilities (for example intellectual disabilities).

A useful statistic would have been the number of persons with disabilities passing grade 12 with university exemption, however, this statistic could not be obtained as seemingly it is not recorded ([www.education.gov.za](http://www.education.gov.za) – HEMIS 3).

## **6.8 PREVALENCE BY TYPE OF DISABILITY**

The number of persons with certain types of disability is presented in Table 25. Each type of disability has a unique impact on an individual’s ability to perform certain activities. The development of a strategy to employ persons with disabilities could be more effective if it is focussed on the nature of employment in respect of the various types of disabilities.

**Table 25: Percentage of disabled persons by type of disability and per gender group**



(Source: Prevalence of Disability in South Africa 2005:14)

The prevalence of sight disability is the highest (32%) followed by physical disability (30%), hearing disability (20%), emotional disability (16%), intellectual disability (12%) and c

ommunication disability (7%). The gender prevalence of these types of disability is fairly similar except that a higher percentage of disabled males (31%) have physical disabilities while a higher percentage of females (36%) have a disability related to sight.

The employment of persons with disabilities should aim to reflect the prevalence by type of disability. It is not possible to determine from Census, 2001 whether for example, 32% of persons with sight disabilities are employed or not. Certain types of disabilities like sight and hearing do have well-established schooling facilities in South Africa which prepare scholars well for suitable types of employment. Although the statistics are not available, it is expected that physically disabled employees are employed more, followed by hearing and sight disabled employees. The employment of persons with emotional and intellectual disabilities is perceived to be significantly lower.

## 6.9 EMPLOYMENT OF PERSONS WITH DISABILITIES

Schriner (2001:644) indicates that people with disabilities are among the most economically disadvantaged groups in society. This indication was given from an international perspective. From a South African perspective the same applies.

During Census, 2001 all persons aged 10 years and above were asked whether they had done any work for pay (in kind or in cash), profit or family gain for one hour or more in the seven days prior to 10 October 2001. The information provided by the respondents facilitated the categorisation of the respondent into either employed or unemployed (Prevalence of Disability in South Africa 2005:21).

The statistics indicate that for the age group between 15 and 65 years of age (the normal working ages in South Africa) 19,0% of disabled persons were employed, compared to 35,0% of not disabled persons. In the age group between 35 and 44 years of age, both disabled and not disabled persons reported the highest percentage of the employed namely 26% of persons with disabilities compared to 53% of not disabled persons.

In comparison, there was a larger increase in unemployment rates amongst persons who had no disabilities, from 12,9% to 20,0%, over the same period. Whilst there was a substantial increase in the unemployment rate among women who were not disabled (from 19,7% in 1995 to 28,0% in 1999), the unemployment rate among disabled women rose less steeply (from 18,5% in 1995 to 21,0% in 1999) (The South African Labour Market, 2002:139-140).

The South African Commission for Employment Equity reported in its 2003/2004 Annual Report (page 23) that 29 451 of employees with disabilities are employed by large employers (defined as employing 150 or more employees). Elsewhere in the Report (page 13) it is indicated that 2 940 998 is the total number of employees employed by large employers. Employees with disabilities therefore are approximately 1% of the workforce of large employers. This is indicative of the under-representation of employees with disabilities in employment. A similar comparison was conducted using the various annual reports and specifically the 2007/08 Annual Report of the Commission for Employment Equity indicating that 10

700 (Table 4.3:p11) employees with disabilities are employed out of a total of 2 030 837 (Table 4.2:p7) reflecting persons with disabilities as 0,52% of the total number of employees employed by large employers. A total of 1 420 (Table 4.8:p27) employees with disabilities were recruited and were promoted. The Annual Report indicated that the disadvantaged position of persons with disabilities would be due to diverse socio-economic and social cultural factors, particularly their low levels of education, discrimination in the labour market and negative attitudes of those they live amongst. These low levels of employment underscore their continued marginalisation and lack of independence within society.

This is supported by Schriener (2001:645) confirming that people with disabilities were more likely to be employed in manual or unskilled occupations and less likely to hold professional or management positions. Schriener further states that only about one-third of workers who become disabled as adults retain their jobs.

## 6.10 SUMMARY

The contribution of this chapter to the research process and the development of a strategy to employ persons with disabilities can be summarised as follows:

- The preceding analysis provides useful information on the prevalence of disability in South Africa.
- Disabled persons are disadvantaged as far as access to educational and employment opportunities are concerned.
- The profiles by type of disability underscore the need to have preventive and rehabilitation programmes that target the most affected groups.
- These trends in the findings support other sources of data on the prevalence and the experience of disability, such as the *1998 Baseline survey on disability* (Schneider et al. 1998).
- Considering the international trends in prevalence of persons with disabilities (as discussed in Chapter 4) the South African statistics are understated.
- Considering the harsh conditions in South African rural areas the prevalence of persons with disabilities in South Africa should be markedly higher than in the developed economies of the USA and UK.
- The possibility of this understatement deepens the crises that persons with

disabilities face due to them not being employed.

- It is therefore necessary that the constraints preventing the employment of persons with disabilities be discussed. This discussion takes place in the next chapter.

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## CHAPTER 7

### CONSTRAINTS IN THE EFFECTIVE EMPLOYMENT OF PERSONS WITH DISABILITIES

“Competence, like truth, beauty and contact lenses, is in the eye of the beholder” Dr. Laurence J Peter and Raymond Hull

#### 7.1 INTRODUCTION

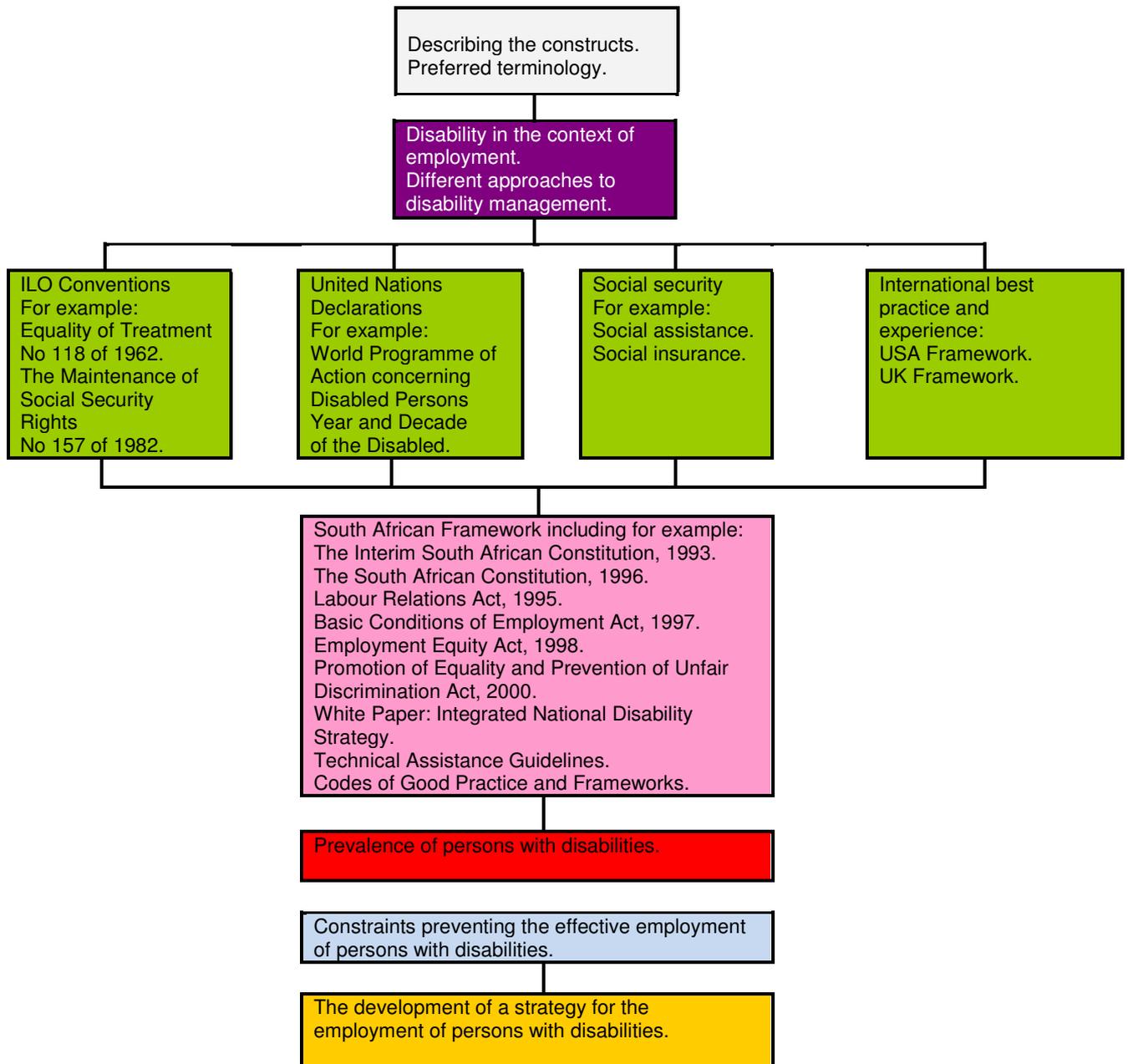
The construct “constraints” as operationalised in Chapter 2 of this research refers to those perceptions, policies, practices or management decisions which cause the deserving disabled job applicant to be unsuccessful in his or her application for employment or promotion.

This chapter identifies the constraints which prevent the employment of persons with disabilities and contextualises these constraints within the human resource and labour relations management field of research. These constraints, once identified, will be researched further by means of the survey method and therefore form the basis on which the research questionnaire is to be developed.

The identification of the constraints is done by means of the literature review and the practical experience of the researcher while managing persons with disabilities and implementing disability management programmes.

The relevant part of the disability management literature research framework is coloured blue.

**Table 26: Disability literature review research framework**



## 7.2 DESCRIBING CONSTRAINTS

Most of the day-to-day problems that persons with disabilities face are caused by the fact that they live in a hostile, disabling world which is largely designed to suit able-bodied people (<http://www.info.gov.za/view/DownloadFileAction?id=70265>). Constraints do differ from situation to situation and employers should also assist to deal with external factors with which persons with disabilities need to deal with on a daily basis. Many such constraints exist and some are set out in Table 27 below. These

constraints have been identified during working sessions with persons with disabilities.

**Table 27: Categorisation and examples of constraints/barriers persons with disabilities face in leading a normal life**

CATEGORISATION	EXAMPLES
Family.	Family members may be embarrassed to have a disabled person in their home and seek to hide the fact from the community. Family members may be unaware of laws that protect the rights of persons with disabilities and of programmes designed to assist them. As a result, they may discourage persons with disabilities from venturing outside the home.
Physical environment.	Public and private buildings, particularly in poorer areas, may not have the equipment or physical infrastructure required by persons with disabilities. Examples include ramps for wheelchairs, appropriate toilet facilities, service counters of an appropriate height, etc.
Public service.	The public transport needs of a majority of disabled South Africans are not met because the system doesn't have the necessary equipment and personnel lack the required training. A person in a wheelchair can't board a South African train because the door openings are too narrow.
Social services.	The public health system may not have the resources or expertise to assist persons with disabilities to reach their fullest potential. Sometimes health employees at clinics do not treat women with disabilities in a professional manner, for example they have been known to tell these women that they cannot and should not have sex.
Personal relationships.	Persons with disabilities tend to spend too much time alone or spend time only with other persons with disabilities. This makes it harder for them to develop the confidence to look for a job or make new friends. Some men will have relationships with women with disabilities just so they can get the money from their disability grants.
Education level.	Young children with disabilities are often sent away to special schools where they may not receive a quality education or be cared for in a nurturing environment. Prior to 1994 education programmes for non-white persons with disabilities were limited and of poor quality. Most programmes concentrated on basic vocational training in areas such as sewing, basket weaving, gardening, etc.
Communication.	It can be difficult to communicate with persons with cerebral palsy, those who have had a stroke, deaf persons and other disabled persons. Rather than take the time to find a way to communicate with them, most persons choose to ignore them. Some persons won't use the name of a disabled person. Instead they use insulting words, for example: "Hey cripple, why don't you go to your room!"
Misinformation.	Some employees may believe that persons with disabilities are being punished for something that they, or their family, did wrong. Such beliefs

CATEGORISATION	EXAMPLES
	are likely to influence how these employees work with disabled persons. Some employees may believe that certain disabilities are contagious and that they could become disabled by working with or near a disabled person.
Discriminatory attitudes.	Some employees feel that employees with disabilities are given an unfair advantage and treated “special”. For example, when a disabled employee is allowed more flexible working hours than other employees. Managers and co-employees may automatically assume that a disabled employee is physically unable to do certain tasks without even discussing it with them first.
Discriminatory practices.	Managers and co-employees may believe that disabled persons are “charity cases” and ignore or mistreat them. Managers may make half-hearted attempts to recruit persons with disabilities, and then always find a way to avoid hiring them.
Physical environment.	A safe and functional environment is very important to employee productivity. What may seem like a small concern to other employees may present substantial obstacles to a disabled employee. For example, the workspace that you provide for your receptionist may be small yet adequate for some employees, but inappropriate for a person that uses a wheelchair if the wheelchair doesn’t fit into the space or the desk is too low or narrow.
Personal environment.	Employees with disabilities often struggle to get the professional respect that they deserve, and are frequently subjected to token recognition. Unfortunately, physical appearance is often used as a measure of professional ability. Professionals who are uncomfortable with the appearance of persons with disabilities may not judge the work of their “disabled colleagues” fairly.
Inadequate training.	Traditional training programmes may not meet the learning needs of employees with disabilities. It is important to consider whether such things as the subject content, methodology, learning materials, expected outcomes and venue are appropriate for persons with disabilities.
Poor communication.	Employees with disabilities may be viewed by other employees as “charity cases” if policy on disability is not clearly communicated to everyone in the organisation. Clear communication with employees on all matters is critical to eliminating misunderstanding, confusion and unfounded rumours.
Lack of commitment.	An affirmative action programme that fades and dies soon after the numerical target for disabled employees is met is a strong indicator of a lack of commitment. A strong and intelligent organisation will regularly monitor and evaluate efforts to implement policy on disability.

(Source: Toolkit: Department of Land Affairs - Employing and Managing Persons with Disabilities, DLA, 2004).

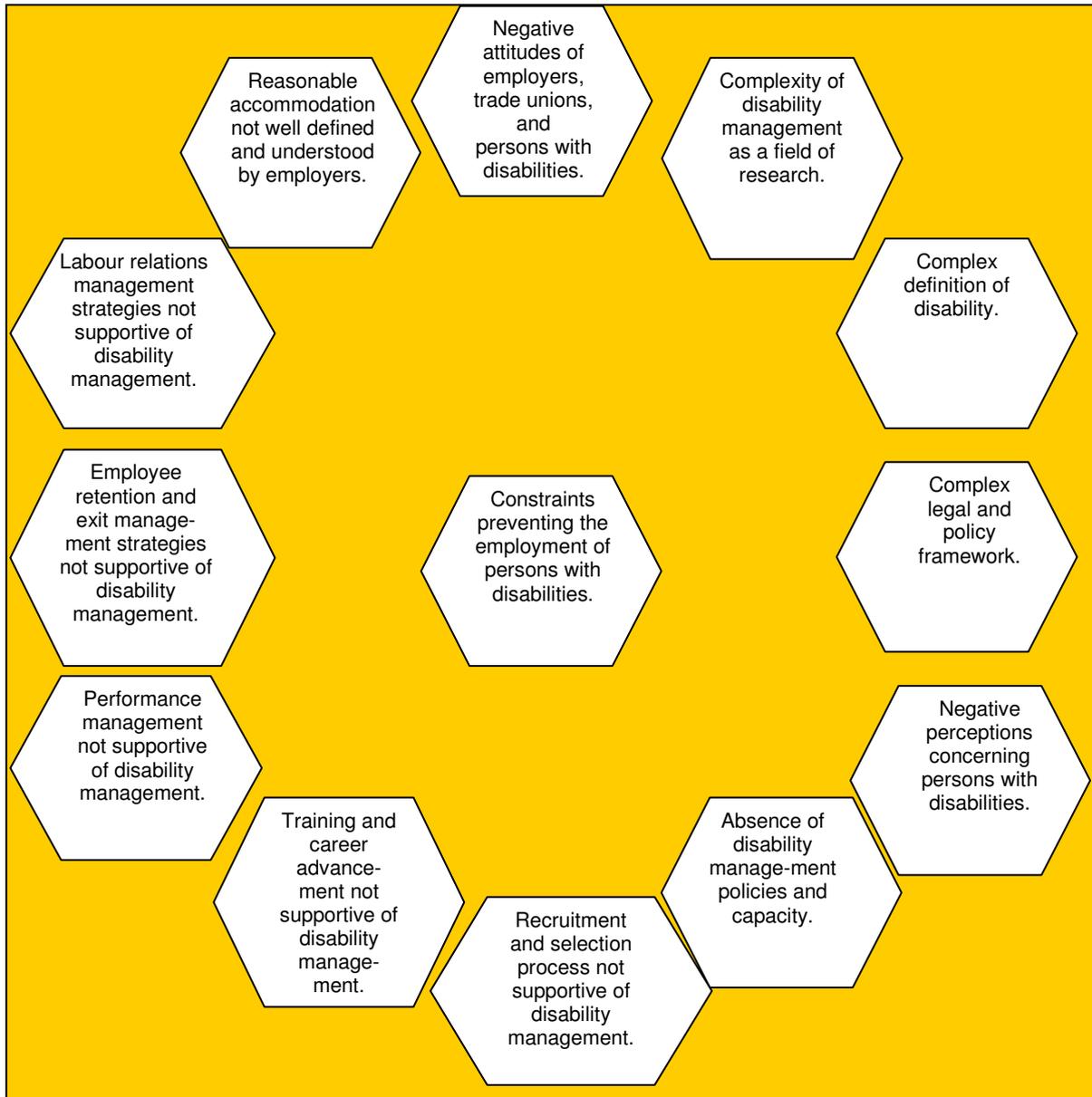
The above very broad categorisation provides examples of constraints persons with disabilities may experience in daily life. The constraints may also vary because of the different categories of disability. The nature of the specific disability and the fact that the social and physical environments are designed for persons without disabilities cause constraints which prevent persons with disabilities from leading a normal life.

Emanating from the general categorisation of constraints which persons with disabilities may experience in the everyday life, the constraints relevant to the employment of persons with disabilities could be categorised for purposes of this research as follows:

- Complexity of disability management as a field of research;
- complex definition of disability;
- complex legal and policy framework;
- perceptions concerning persons with disabilities;
- availability of disability management policies and capacity;
- training and development;
- performance management;
- recruitment and selection;
- employee retention and exit management strategies;
- labour relations management strategies; and
- reasonable accommodation.

These categories of constraints have been identified through the preceding literature review and the practical experience of the researcher gained by managing disability employment programmes for the past 14 years. These categories of constraints can be depicted graphically as set out in Figure 2 below.

**Figure 2: Employment related categories of constraints preventing the employment of persons with disabilities**



The details of each category are discussed below.

### **7.3 COMPLEXITY OF DISABILITY MANAGEMENT AS A FIELD OF RESEARCH**

As discussed in the preceding chapter's disability management is a complex field of research. The subject matter is not easily accessible to the average person. Differing views exist concerning disability management depending on the particular

school of thought and disability management practices are not generally standardised. The multi-faceted aspects of disability management also result in different fields of research, studying certain aspects relevant to it in isolation from other areas of research. The limited research that has been performed into disability management in the workplace by the human resource management and the labour relations management fields of research further contributes to the complexity of this field of research. Other fields of research have therefore endeavoured to fill the gaps left by the limited research into this area. This resulted in principles and practices being adopted which are not dynamic by nature.

#### **7.4 COMPLEX DEFINITION OF DISABILITY**

The construct “disability”, as discussed in Chapter 2, is complex and intimidating to the layperson. It is also difficult to get an understanding of the other terminology related to disability management. Issues like “designated groups”, “unfair discrimination”, “reasonable accommodation” and “various models” are new to managers and human resource and labour relations practitioners. Some areas of employment, specifically employment equity, are well-published and widely circulated in South Africa which creates a common understanding of those areas. The application of employment equity to Black South Africans and women for example, is well-publicised and has political and public support. The various Broad-based Black Economic Empowerment (BBBEE) Charters helped to popularise the concept. The requirement, for example, in tender processes to be BBBEE compliant has given authority to the EEA requirements. The similarly legislated disability equity requirements are not enjoying equal priority status. The result is a significantly positive change in compliance with the EEA as far as race and gender are concerned, but limited success, if any, as far as disability is concerned.

The research questionnaire will probe the complexity of the definition as set out in the EEA and to what extent the respondents agree with it. The extent to which the definition covers all types of disability will also be interrogated.

The extent to which this definition assists in dealing with issues of disability is doubtful and respondents will be requested to express their views on this and to propose amendments to the definition.

## **7.5 COMPLEX LEGAL AND POLICY FRAMEWORK**

The legal and policy framework is complex and is not available in a single reference document. The INDS (1997), various codes of good practice and the TAG, as detailed in Chapter 5 above, which were intended to make information more accessible are complex and the integration is often more confusing than helpful. This aspect will be explored further in the questionnaire by requesting the respondents to indicate to what extent they use the legislation or policy frameworks to assist them to manage disability in the workplace. The most important documents making up the framework will be listed in the questionnaire and respondents will be requested to indicate to what degree they find the relevant document useful. The responses will provide an indication of the extent to which respondents use the specific documents. The complexity of the legal and policy framework could also be the cause for the small number of legal actions taken to enforce the rights of persons with disabilities. The Commission for Employment Equity commented on this aspect raising its concerns. It cited that high legal costs and the inaccessibility of the Labour Court system also are contributory factors (Employment Equity Commission Annual Report 2007/08:p3).

## **7.6 NEGATIVE PERCEPTIONS CONCERNING PERSONS WITH DISABILITIES**

A perception exists that one of the reasons why persons with disabilities is not employed is because they are not able to work in a demanding and success driven work environment, as discussed in Chapter 1 of this research. The INDS (1997:2 and 3) also refers to this aspect as one of the main reasons why persons with disabilities are not employed.

Hajras (2002:43) states that society thinks that a disabled person is unable to work because the person is ill and needs rest, and help to heal. Employers lack

confidence in the work of a person with disabilities although the person is qualified. These perceptions lead to the person with disabilities losing confidence and stops thinking that he or she can be of use to him or herself or the family and consequently lose confidence in his or her capacity to work. As a result the person fears applying for a job. If he or she manages to get a job this lack of self-confidence becomes the next constraint.

The validity of this perception will be tested by asking respondents whether employees with disabilities generally are able to work as well as any other employee and whether they are able to do physically strenuous work. The perception also exists that it is more difficult to manage an employee with disabilities because they require special attention.

It will also be tested whether it is perceived that employees with disabilities are absent from work due to illness more often than other employees. The non-accessibility of a workplace is a significant constraint to persons with disabilities and employers may be of the opinion that it is too costly to make a workplace disability friendly. The result of this may be the perception that a *Curriculum Vitae* of a job applicant with disabilities is not considered seriously.

The perception above also relates to the relationship gap between persons with disabilities and persons who are not disabled. According to Silver and Koopman (2000:69) persons without disabilities often feel nervous and uncomfortable in their relationship with persons with disabilities. Historically society has separated these two groups, whether it is in the context of the family, education or the workplace. It is also mentioned by the same authors that all people fear incapacity and our potential inability to deal with the challenges of disability. This fear may be related to our drive to become independent as individuals. Silver and Koopman (2000:79) expresses the view that the most difficult constraints to overcome are the attitudes of people towards persons with disabilities. "Whether these (attitudes) are born from ignorance, fear, misunderstanding or hate, these attitudes keep people from appreciating and experiencing the full potential of a person with a disability".

## **7.7 ABSENCE OF RELEVANT DISABILITY MANAGEMENT POLICY AND CAPACITY IN ORGANISATIONS**

The complexity of disability management and the likelihood of claims of unfair discrimination and unfair labour practice necessitate that organisations should have clear written policies or guidelines on employing persons with disabilities. The questionnaire will probe whether such policies are in place and whether it is used as a guide in making decisions around disability management in the workplace.

It has developed as good practice in South Africa for progressive employers to establish a disability office or a disability ombudsman to whom employees can report suspected discrimination or receive advice about disability issues. The purpose of such office or ombudsman would be to guide the different role-players in an organisation through uncertain areas. It also serves to give confidence to persons with disabilities that the organisation is serious about employing them successfully and that it is not a matter of window-dressing.

The general lack of knowledge related to disability management amongst human resource management practitioners results in the human resource management practitioners not taking the lead in this area. It is often seen that the employment equity programme is established in the human resource management component but the disability management component is established elsewhere, for example in a component with a transformation focus or in the office of the Chief Executive Officer.

The commitment of the different levels of management to the management of disability is critical. The questionnaire will explore these matters.

## **7.8 HUMAN RESOURCE MANAGEMENT PRACTICES CONSTRAINING THE EMPLOYMENT OF PERSONS WITH DISABILITIES**

The manner in which employees utilise opportunities which exist in their work environment relates to the manner in which organisations manage their talent. Creating awareness of disability management and the intricacies related thereto is an area of focus in the INDS (1997:51). In most of the policy guidelines as set out in

the INDS (1997) creating awareness is a deliverable to achieve. The emphasis thereon is because a lack of awareness is a significant barrier in the employment of persons with disabilities.

This aspect will be explored in the questionnaire by establishing whether the respondents' organisations provide training in dealing with issues related to the employment of persons with disabilities. Respondents will also be requested to indicate how often they have used the principles taught in the training to guide their decisions at work.

Managing the performance of employees is a challenging process in any organisation. The constraint relating to performance management is the fairness of the performance management process. Uncertainty also exists whether the performance standards to be used for persons with disabilities should be the same as for not disabled employees. Similarly the payment of rewards in terms of a performance management system is also unclear because views around this matter are not consistent. The TAG suggests that unique performance standards must be used but persons with disabilities think differently about this. The questionnaire will explore this matter.

The low employment levels of persons with disabilities can be attributed to the methods of recruitment and the media where advertisements are placed. Analysis has shown that the number of persons with disabilities who apply for posts is very low which raises the question whether persons with disabilities do not actively seek employment. The levels of despondency amongst persons with disabilities for continuously trying to obtain employment and never succeeding may be a contributing factor.

The selection criteria used during the selection process may also be a barrier in the employment of persons with disabilities. Depending on the nature of the disabilities and of the job, more or less effective and relevant selection criteria may be used. The manner in which the selection process is conducted is also a contributing factor. Reasonable accommodation should be made available during the interview to

ensure that the disabled applicant is given a fair and reasonable opportunity to succeed with the application.

Employee retention and exit management are relatively unexplored areas of human resource management practice in South Africa. Reasonable accommodation refers to the steps an employer takes to adjust the work environment to make it possible for an employee with disabilities to be fully functional in performing his or her work. This includes, amongst others, the provision of visual aids to a visually impaired employee, hearing aids to a hearing impaired employee and work environmental adjustments for the physically disabled employee. The question relates to the willingness of employers to reasonably accommodate a disabled employee and the amount of money an employer is willing to spend to accommodate a disabled employee, keeping in mind that some of the initiatives may be costly or perceived to be costly.

A significant barrier in employing persons with disabilities is if the cost to provide reasonable accommodation is economically unjustifiable. The lack of proper policy guidelines creates uncertainty with regard to the meaning of the word “reasonable”. The reasonable accommodation of an employee with disabilities is seen as an unnecessary expense by employers and that it is more expensive to employ people with disabilities than any other employee.

Due to the specialised nature of reasonable accommodation it may be necessary to contract with experts in this area, like occupational therapists, to advise the employer properly. Bester (2005:42) indicates that companies often fear that measures taken to accommodate a disabled person will be costly but that it is not always the case. What these companies need to consider is the significant impact on staff morale and therefore productivity if a co-worker suddenly becomes disabled and is forced to leave. By comparison if the person is rehabilitated and can return to work with the assistance of the employer, it will be motivation for staff.

## 7.9 THE CONSTRAINTS DERIVED FROM THE UN CONVENTION

The UN Convention on the Rights of Persons with Disabilities, discussed extensively in Chapter 4 is relevant to the identification of constraints in the employment of persons with disabilities. The activities that state parties should perform have been developed to address the constraints that persons with disabilities experience in finding employment. This convention is the latest authority which sets the tone on what should be done to ensure disability equity in the workplace. The determination as set out in the convention and the constraints that it aims to address are set out in Table 28.

**Table 28: Employment related constraints derived from the UN Convention**

<b>CONSTRAINT THAT THE CONVENTION AIMS TO DEAL WITH</b>	<b>DETERMINATION BY THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES</b>
<p>The right of persons with disabilities to work is not recognised. This constraint is prevalent due to the medical model thinking which dominated the thinking some years ago. The perception that persons with disabilities are less competent due to their disability is also the cause of this constraint. The recognition of the existence of this constraint reflects on talent management as well as the role of the human resource and labour relations management practitioner in employing persons with disabilities.</p>	<p>Recognise the right of persons with disabilities to work on an equal basis with others.</p>
<p>The right to the opportunity to gain a living in the open labour market, out of own choice, is not always possible for persons with disabilities in South Africa. The perception that persons with disabilities are less competent narrows the labour market significantly.</p>	<p>Recognise the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and a work environment that is open, inclusive and accessible to persons with disabilities.</p>
<p>The right to continue to work after a disability has been acquired is not an established right in South Africa. It can be regarded as breach of the employment contract if an employee is no longer as able as the day he or she got employed. The South African legislative and policy framework merely advises employers to consider alternative employment or to reasonably accommodate such employee.</p>	<p>Safeguard and promote the realisation of the right to work, including those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation to, <i>inter alia</i> prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions.</p>
<p>The equality clause in the Constitution, 1996 specifically protects the rights of persons with</p>	<p>Protect the rights of persons with disabilities on an equal basis with others, to just and favourable</p>

<b>CONSTRAINT THAT THE CONVENTION AIMS TO DEAL WITH</b>	<b>DETERMINATION BY THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES</b>
<p>disabilities in all respects, including working conditions, equal opportunities and related matters. Employers offer employment on conditions they see fit. The high unemployment levels dictate that any job will be accepted, whether at a lower level/remuneration or not. The provision of making conditional job offers to persons with disabilities also leaves room for persons with disabilities to be exploited.</p>	<p>conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment and the redress of grievances.</p>
<p>In practice very few persons with disabilities refer labour disputes. As indicated in Chapter 5 no case concerning disability equity has been considered by the Constitutional Court. The SAHRC as well as the Labour Court have dealt with a number of cases. Persons with disabilities generally have not been sufficiently empowered to exercise their rights, although the mechanisms exist for them to do so.</p>	<p>Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others.</p>
<p>General technical and vocational guidance programmes do exist in South Africa but they are not well developed and sophisticated. Efforts are being made to improve the quality of these programmes but the efforts will only show results in the long term.</p>	<p>Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training.</p>
<p>During 2009 two such programmes have been established. One such programme has been established for the South African Public Service and another by the Services SETA. Both programmes have significant potential but limited results to date.</p>	<p>Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment. Employ persons with disabilities in the public sector.</p>
<p>Due to levels of poverty amongst persons with disabilities starting an own business is extremely difficult. Start-up capital is difficult to obtain without guarantees. The Ntsika Enterprise Promotion Agency discussed in Chapter 5 aims to address this but the level of impact to date is very limited.</p>	<p>Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting of own business.</p>

(Source: Column 1 summarised from UN Convention on the Rights of Persons with Disabilities, November 2007).

## **7.10 REASONS FOR PRIORITISING DISABILITY MANAGEMENT BY EMPLOYERS**

The comprehensive discussion concerning disability management in the foregoing chapters has not articulated why it is necessary to employ persons with disabilities. The discussion of social security as a field of study reflects on the responsibility of nations to support those individuals who are unable to provide for themselves and their families due to a variety of reasons. This raises the social aspect of employing persons with disabilities.

The South African Constitutional and legal framework provide for the protection of the human rights and dignity of persons with disabilities and legislate for the affirmation of persons with disabilities as a designated group in the EEA. The South African legal framework therefore provides for the employment of persons with disabilities.

The importance of being able to work and earn a living has been identified by authors like Zadek and Scott-Parker as very important in the sense of self-worth of an individual. This is equally, if not more relevant to persons with disabilities. Having to live in a physical and social environment which is constraining daily living affects a person's sense of self-worth and belonging. Having to live on social grants also suggests that a person is unable to provide for him or herself, further affecting a person's sense of self-worth (Zadek and Scott-Parker, 2001:3).

Fear of persons with disabilities (Zadek and Scott-Parker, 2001:3, Silver and Koopman 2000) and negative perceptions of the inability of persons with disabilities have a deep rooted cause. Persons build protective mechanisms to hide from their own fears. The avoidance and fear of persons with disabilities is rooted in the fear that each person has, namely that they might be dependent on other persons for a living, to earn money and to be looked after.

Arising from the aforementioned constraints and the vision of taking care of persons with disabilities society at large and employers in particular, should show their employees and clients that they are taking on the responsibility of providing a safety

net to its employees. Should the employee become disabled, the employer would not immediately terminate the employee’s contract, but would provide a safety net. This would ease the fear all persons have of becoming disabled which would reflect on the social responsibility of the employer.

The reasons for prioritising disability management are presented in Table 29 below:

**Table 29: Benefits of prioritising disability management by employers**

<p><b>Economic benefits:</b></p> <p>Persons with disabilities -</p> <ul style="list-style-type: none"> <li>➤ Are productive and reliable;</li> <li>➤ have developed problem solving skills;</li> <li>➤ stay longer with an employer;</li> <li>➤ spending power of persons with disabilities is considerable;</li> <li>➤ organisations accessible to disabled staff will also be accessible to disabled customers;</li> <li>➤ access untapped reserves of talent;</li> <li>➤ promote new sources of ideas, creativity and problem solving; and</li> <li>➤ build hard loyalty and distinctiveness by valuing all customers and employees as individuals.</li> </ul>
<p><b>Social security benefits:</b></p> <ul style="list-style-type: none"> <li>➤ Unemployment amongst persons with disabilities is significantly higher than for the rest of the population;</li> <li>➤ loss to society of production capacity of those who cannot find employment; and</li> <li>➤ spending on disability grants is costing tax payers a lot of money with little production value.</li> </ul>
<p><b>Self-worth benefits:</b></p> <ul style="list-style-type: none"> <li>➤ Making a contribution in society by working adds to the self-worth of a person with disabilities;</li> <li>➤ social cohesion is built if members of society feel they belong and participate on an equal basis; and</li> <li>➤ families are the basis of a cohesive society and persons with disabilities can strengthen families with this dedication.</li> </ul>
<p><b>Employer benefits:</b></p> <ul style="list-style-type: none"> <li>➤ Staff morale and team development are enhanced when employers show they care; and</li> <li>➤ enhance the reputation of the employer internally and externally creating greater loyalty to the employment brand.</li> </ul>

(Adopted Zadek and Scott-Parker (2001:3) and Silver and Koopman (2000).

The comments by Slabbert (2004:1) that companies worldwide have no choice but to address the impact and the reality of globalisation if they want to survive in the “global village”, raises a dimension of economic survival of business which is relevant in discussing the necessity to employ persons with disabilities.

Zadek and Scott-Parker (2001:3) emphasise that tomorrow's most successful societies will be those that most effectively meet the dual challenges of social cohesion and economic competitiveness. They also add that globalisation has accelerated and reinforced the need to embrace diversity.

## 7.11 SUMMARY

The contribution of this chapter to the research process and the development of a strategy to employ persons with disabilities can be summarised as follows:

- Persons with disabilities live in a hostile, disabling world which is largely designed to suit people who are not disabled (<http://www.info.gov.za/view/DownloadFileAction?id=70265>).
- Constraints do differ from situation to situation and employers should consider and also assist in dealing with external factors with which persons with disabilities need to deal with on a daily basis.
- The nature of the specific disability and the fact that the social and physical environments are designed for persons without disabilities cause constraints which prevent persons with disabilities from leading a normal life.
- Disability management is a complex field of research because the subject matter is not easily accessible to the average person.
- The limited research that has been performed into disability management in the workplace by the human resource management and the labour relations management fields of research further contribute to the complexity of disability management.
- It is difficult to get an understanding of the terminology related to disability management. Specifically the extent to which the definition of persons with disabilities assists in dealing with issues of disability, is doubtful.
- The general lack of knowledge related to disability management amongst human resource and labour relations management practitioners results in them not taking the lead in this area.
- Lack of awareness is perhaps the most significant barrier in the employment of persons with disabilities.
- The South African disability management policy framework is complex and the fragmented nature thereof makes the practical implementation difficult.

- Negative perceptions lead to employers lacking confidence in the work of a person with disabilities although the person is qualified.
- Persons with disabilities lose confidence in their capacity to work and as a result the person fears applying for a job.
- The non-accessibility of a workplace is a significant constraint to persons with disabilities and employers may be of the opinion that it is too costly to make a workplace disability friendly.
- Constraints relating to performance management are the fairness of the performance management process and uncertainty whether the performance standards to be used for persons with disabilities should be the same as for not disabled employees.
- Low employment levels of persons with disabilities can be attributed to the methods of recruitment and the media where advertisements are placed.
- Selection criteria used during the selection process may also be a barrier in the employment of persons with disabilities.
- The right of persons with disabilities to work is not recognised.
- The right to continue to work after a disability has been acquired is not an established right in South Africa.
- General technical and vocational guidance programmes do exist in South Africa but they are not well developed and sophisticated.
- Due to levels of poverty amongst persons with disabilities starting an own business is extremely difficult because start-up capital is difficult to obtain without guarantees.
- The importance of being able to work and earn a living has been identified by authors like Zadek and Scott-Parker as very important to the sense of self-worth of an individual.
- Benefits to employ persons with disabilities have been identified and categorised in economic, social, and self-worth benefits as well as benefits to employers. These benefits justify the prioritisation of the employment of persons with disabilities by employers and human resource management practitioners.

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## CHAPTER 8

### RESEARCH DESIGN AND METHODOLOGY

“The ultimate goal of all science is the search for truth.”

Mouton 1996

#### 8.1 INTRODUCTION

During the research process many critical decisions are made which could affect the nature and the validity of the results. The purpose of this chapter is thus to describe the research design and the research methodology and present the reasons why the specific research design and methodology have been selected.

The objective of the research is to identify the constraints to the employment of persons with disabilities and to develop an integrated human resource management strategy to enhance the employment of more persons with disabilities in South African organisations. This objective was attained through a literature review providing context and theory, followed by a mainly empirical research design utilising primary data gathered by means of the survey method.

A purposive sample of eighty four (84) knowledgeable persons in this field (persons with disabilities, managers and human resource management practitioners with experience in disability management) were surveyed with a semi-structured Likert-type questionnaire. The questionnaire also contained a number of open-ended (qualitative) questions and the questionnaire was specifically constructed to provide for these questions.

The data gathered by means of the survey method was analysed by using descriptive statistics to determine the breadth of the data while qualitative analysis was performed to determine the depth thereof.

The research results present the constraints that inhibit the employment of persons with disabilities and describe themes to better understand the constraints and to guide the development of an integrated strategy to enhance the employment of persons with disabilities.

## 8.2 RESEARCH DESIGN

Kerlinger (1986:279) explains that research design is the plan and structure of the investigation so conceived as to obtain answers to research questions. The plan is the overall scheme or programme of the research. The plan includes an outline of what the investigator will do from formulating hypotheses and their operational implications to the final analysis of data. The underlying theory shaping the research process is articulated below in order to contextualise the research decisions made.

Robson (1993:38), states that research design is a very important part of research and that human actions can only be understood in the context of their place within different layers of social reality. The general principle in the design is that the research strategy or strategies and the method or techniques employed, must be appropriate in order for the research questions to be answered. Selltiz, Jahoda, Deutsch and Cook (1965:50) defined research design as the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure.

Babbie and Mouton (2001:74) and Hofstee (2006:113) distinguish between research design and research methodology. Mouton & Marais (1990:33), similar to Kerlinger (1986), indicate that the aim of a research design is to plan and structure a given research project in such a manner that the eventual validity of the research findings is maximised.

Mason (2003:30) puts it most simply that the methodological strategy is the logic by which the researcher goes about answering the research questions.

Research design occurs at the beginning of the research project and it involves all the steps of the subsequent project (Babbie and Mouton 2001:97).

### 8.3 PARADIGMATIC ASSUMPTIONS AND PERSPECTIVES

Cohen et al. (2001:3) in Maree and Van der Westhuizen (2007:31) state: “Research is about understanding the world, and your understanding is informed by how you view the world, what you view understanding to be and what you see as the purpose of understanding.”

Researchers incorporate different types of paradigms (positivism, post-positivism, constructivism-interpretivism and critical-ideological perspectives) to conceptualise, guide and classify research (Ponterotto 2005:128). Filstead (in Ponterotto, 2005:127) adds that a paradigm not only forms a set of basic beliefs, but also a set of interrelated assumptions about the social world and provides a philosophical and conceptual framework.

Basic paradigmatic beliefs not only guide the investigation in terms of choices of design and method but also in its ontology (nature of reality and being) and epistemology (nature and scope of knowledge) (Saunders et al 1997:100).

Mason (2003) explains that ontological perspectives involve asking what the researcher sees as the very nature and essence of things in the social world. It is a difficult concept to describe precisely because the nature and essence of social things seem so fundamental and obvious.

Research is an interaction between people (with or without disabilities), their right to work and earn a living and the constraints which these people put in place resulting in persons with disabilities being a relatively underemployed group. The very nature of the response of people to disability management is influenced by the disability model which dominates the thinking of people. This perspective also relates to the critical meanings of experiences as they relate to the difficulties persons with disabilities experience in terms of social oppression. This establishes an element of “critical theory” (Jansen 2007:21) as it relates to the critical meanings of experiences relating to gender, race, class and disability status. Society reproduces inequalities from one generation to the next (reproduction theory). Increasingly the multiple identities of individuals (e.g. black, rural, third world, women) mean that these kinds

of oppression “intersect” in their effects on persons and society (Jansen 2007:21). Persons with disabilities could thus be added as another identity of individuals.

The research is conducted from the assumption that research in business and management and more particularly in the field of human resource management and labour relations management, also concern the social world in which we live and work (Saunders et al 1997:107). Disability is, amongst others, to a large extent a cause and a consequence of poverty. Persons with disabilities, in general, have little financial means, no political power, face discrimination at all levels of society and the environment in which they live, is inaccessible to them. Employment ensures economic independence which leads to equalisation of opportunities and meaningful existence with self-respect and dignity. The human resource management profession and research have an active role to play in resolving the dilemma of unemployment thus making a meaningful contribution to the social world.

The epistemological position of the researcher (what is regarded by the researcher as knowledge or evidence of things in the social world), is based thereon that views, perceptions and the constraints which result therefrom, are “knowable and it is possible to generate knowledge about and evidence for them” (Mason 2003).

#### **8.4 DISCUSSION OF THE DIFFERENT DESIGN APPROACHES AND THE DESIGN APPROACH SELECTED FOR THIS STUDY**

Cooper and Schindler (2003:146) indicate that a number of different research design approaches exist but no simple classification system defines all the variations that must be considered. These authors classify research design by using seven different descriptors are presented in Table 30 below.

**Table 30: Descriptors of research design and methodological options**

DESCRIPTOR	OPTIONS	DISCUSSION
The degree to which the research question has been crystallised.	<ul style="list-style-type: none"> <li>➤ Exploratory.</li> <li>➤ Formal.</li> </ul>	Cooper and Schindler (2003:146) premises that a study may be viewed as exploratory or formal. Exploratory studies tend to be less structured with the objectives of discovering future research needs and tasks. The formal study begins where the



DESCRIPTOR	OPTIONS	DISCUSSION
		<p>exploration leaves off. The goal of a formal research design is to test the hypotheses or answer the research questions posed. Babbie and Mouton (2001:80) indicate that exploratory studies would ask questions like what the case is and what the key factors are. They furthermore infer that exploratory studies usually lead to insight and comprehension rather than the collection of detailed, accurate and replicable data. Saunders et al (1997:133) defines an exploratory study as a valuable means of finding out what is happening, of seeking new insights, of asking questions and of assessing phenomena in a new light.</p>
<p>The method of data collection.</p>	<ul style="list-style-type: none"> <li>➤ Monitoring.</li> <li>➤ Interrogation/communication.</li> </ul>	<p>Data collection distinguishes between monitoring and interrogation/communication methodologies. Monitoring refers to studies where the researcher inspects the activities of a research subject. The interrogation/communication method, on the other hand, is conducted by the researcher questioning the subjects and collecting their responses by personal or impersonal means. This includes the survey by questionnaire method. According to Fortune City (2004) data collection and analysis may assume the form of observation, interactive interviews, videotape and written descriptions by subjects.</p>
<p>The power of the researcher to produce effects in the variables under study.</p>	<ul style="list-style-type: none"> <li>➤ Experimental or Quasi-experimental.</li> <li>➤ Ex-Post facto.</li> </ul>	<p>Experimental design is used when the researcher attempts to control and/or manipulates the variables in the study and then aims to determine the effect of the controlled variables on the other variables. In the <i>ex-post facto</i> design on the other hand, the researcher has no control over the variables in the sense of being able to manipulate them. In the <i>ex-post facto</i> research design the researcher only reports what is happening or what has happened.</p>
<p>The purpose of the study.</p>	<ul style="list-style-type: none"> <li>➤ Descriptive.</li> <li>➤ Causal.</li> </ul>	<p>Descriptive research is concerned with finding out who, what, where, when or how much. In a causal study relationships</p>

DESCRIPTOR	OPTIONS	DISCUSSION
		between variables are explained.
The time dimension.	<ul style="list-style-type: none"> <li>➤ Cross sectional.</li> <li>➤ Longitudinal.</li> </ul>	Cross-sectional studies are carried out once and represent a snapshot at a specific point in time. Longitudinal studies are repeated over an extended period of time.
The topical scope - breadth and depth of the research.	<ul style="list-style-type: none"> <li>➤ Qualitative/ Case study.</li> <li>➤ Quantitative study.</li> </ul>	Quantitative studies are designed for breadth rather than depth. It attempts to capture a population's characteristics by making inferences from a sample's characteristics. Generalisations about findings are then made and presented based on the representativeness of the sample and the validity of the design. Qualitative or case studies, on the other hand, place more emphasis on a full contextual analysis of fewer events or conditions of their interrelations.
The research environment.	<ul style="list-style-type: none"> <li>➤ Field setting.</li> <li>➤ Laboratory research simulation.</li> </ul>	Design also varies according to whether the research is done under actual environmental conditions (field conditions) or under staged or manipulated conditions (laboratory conditions).

Source: Cooper and Schindler (2003:147) unless stated otherwise in the table.

Babbie and Mouton (2001:75) classify research differently from Cooper and Schindler (2003). They indicate that a distinction must be made between empirical and non-empirical research questions as a classification of research designs. They describe empirical research questions as real life problems (world 1) while non-empirical problems are about the meaning of scientific concepts, questions about trends in scholarship or about competing theories (about entities in world 2). They thereafter introduce the distinction between primary and secondary empirical data. Primary data refers to data collected by the researcher while secondary data already exists when the research is undertaken. The final distinction made by Babbie and Mouton (2001:76, 77) is the type (or nature) of data sources that will be used. These authors classify data into two main categories, namely numeric data and textual data.

Hofstee (2006:113) is of the view that in the research design section, the research design and the overall approach that will be used to test the thesis statement, is

named and discussed. He also warns appropriately that details of the research methodology (implementation) should not be provided during the discussion of the research design. This distinction is not always clear, but efforts were made to clearly separate it.

The classification assists in structuring the process of research design including the techniques to be used during the research process as well as their strengths and weaknesses as they apply to the research objective and the research problems.

The research undertaken was initially exploratory by nature, especially during its starting phase. More challenging research questions evolved from the literature review and the practical experiences of the researcher. As the research progressed it became more formal and descriptive by nature.

The objective of the research was to find answers to real life problems concerning human beings (unit of analysis) generally grouped into three groups, namely:

- Persons of a working age with disabilities;
- human resource management practitioners; and
- managers.

This research can, therefore, be classified as empirical research because the research design followed was empirical by nature. However, if Mouton and Marais (1990:143 and 175 to 181) is considered, the research also had a non-empirical design element. This is mainly due to the strategy which was developed. The development of a strategy had many similarities to theory or model building. The non-empirical element was based on and arose from the empirical research. Apart from the above, the research also had a literature review element, which in turn informed the empirical as well as the non-empirical element of this research.

McMillan and Schumacher (2001:428, 429 in Maree and Van der Westhuizen 2010:33) state that the mode of enquiry informs the research design and that researchers adopt either qualitative, quantitative or multiple modes of enquiry.

In comparing the qualitative and quantitative approaches Leedy and Ormrod (2010:95) indicate that qualitative researchers seek a better understanding of complex situations. Their work is sometimes (although not always) exploratory by nature, and they may use their observations to build theory from the ground on up. Qualitative researchers on the other hand seek explanations and predictions that will generalise to other persons and places. The intent is to establish, confirm, or validate relationships and to develop generalisations that contribute to existing theories.

These authors raise the argument that quantitative studies represent the mainstream approach to research and that carefully structured guidelines exist for conducting them. Qualitative research process on the other hand is more holistic with the specific focus, design, measurement instruments and interpretations developing and possibly changing along the way.

Qualitative studies deal with naturalistic approaches to understand phenomena in context-specific settings, such as a real world setting where researchers do not manipulate the phenomena they are interested in (Patton 2002). Creswell (2007:249) defines qualitative research as an inquiry process of understanding based on a distinct methodological tradition of inquiry that explores a social or human problem, based on building a complex and holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting.

Qualitative research furthermore allows the researcher to gain insight into a field where little is known (Gillham 2000:11). According to Leedy and Ormrod (2010:94), qualitative research is used to answer questions about the complex nature of phenomena, more often with the purpose of describing and understanding the phenomena from the participant's point of view.

Qualitative researchers are primarily interested in the illumination, understanding and extrapolation of similar situations (Hoepfl 1997). Qualitative research uses various methods of capturing and analysing unstructured information, such as interview transcripts and recordings, e-mails, notes, feedback forms, photos and videos. It does not only rely on statistics or numbers, which are the domain of quantitative

researchers (Golafshani 2003). Qualitative researchers do not dissociate themselves from their roles and involvement in the research process (Winter 2000).

Quantitative researchers seek explanations and predictions that will generalise to other persons and places (Leedy and Ormrod 2010:95).

A quantitative method confirms or disconfirms a hypothesis. A qualitative study may end with tentative answers that lead to future studies while quantitative and qualitative research designs are to some extent appropriate to answer different types of questions. One is bound to learn more about the world when both quantitative and qualitative methods are used instead of adhering to one method only (Creswell, 2007, Glesne and Peshkin 1992, Moss 1996).

The use of both methods, namely a quantitative method and a qualitative method, is also referred to as concurrent triangulation (Morgan 1998, Streckler et al 1992, Denzin 1994, Kvale 1996). This research design approach makes use of separate quantitative and qualitative methods as a way of off-setting the weaknesses within one method with the strengths of the other method. The multi-method strategy will guide the collection and corroboration of data collected and will enhance the validity and credibility of the study (McMillan and Schumacher (2001:428 and 229) in Maree and Van der Westhuizen 2010:31).

Upon consideration of the aforementioned authors, the nature of the research problem and the data sources to be used, it was decided to use a qualitative and a quantitative method. These methods were selected to answer the same research questions but in different ways and from different angles. This research design is also referred to as concurrent triangulation (Morgan 1998, Streckler et al 1992, Denzin 1994, Kvale 1996).

This approach is used to add depth and detail to the research findings (Swanson and Holton 1997:93 in Maree and Van der Westhuizen 2010:33). Teddlie Tashakkari (as in Maree and Van der Westhuizen 2010:33) denotes that a lower or a higher priority can be placed on either of the two methods. The research places equal value on the results of each method, and the approach, therefore, integrated the results of the two

methods during the interpretation phase. The interpretation can either note the convergence of the findings or explain any lack of convergence that may result (Creswell 2003). According to Creswell (2003), this model is advantageous because it can result in well-validated and substantiated findings. In addition, the concurrent data collection results in a shorter data collection time period as compared to one of the sequential approaches.

A further determinant of the decision to use this approach, was the realisation that quantitative analysis is dependent on a large number of respondents to ensure reliability and generability. It became clear early in the research that it would not be possible to obtain a large number of respondents who are knowledgeable in disability management in South Africa.

Mason (2003:33) argues that there may be good reasons for using multiple methods and sources because research questions can be approached from a variety of angles. It may also be because the different methods corroborate each other using methodological triangulation. Mason (2003:33) mentioned, however, that the integration of different methods may not be straightforward and that to corroborate the results, may be problematic. The question will be whether the two methods yield comparable data.

Both approaches involve similar processes, namely review of the related literature, collection and analysis of the data. Yet, these processes are often combined and conducted in different ways, resulting in different research methods (Siegle date unknown). Quantitative researchers commence with a specific hypothesis, isolate variables they want to study, control extraneous variables, use standardised procedures to collect numeric data and use statistical procedures to analyse and draw conclusions from the data. Qualitative researchers on the other hand, commence with general research questions, collect extensive data from a few participants, organise data in a coherent fashion and use descriptions to portray the situations they have studied (Neill 2007).

## 8.5 RESEARCH METHOD

The research method deployed to identify the constraints to the employment of persons with disabilities is discussed below.

### 8.5.1 DEVELOPMENT OF THE QUESTIONNAIRE

When considering the different methods used when researching people, the survey method was considered the most appropriate for this research. The survey method, through the use of a questionnaire, has its limitations but also its benefits. The limitations are related to the willingness of respondents to make time available to respond, a question might not be understood properly as it may not be clear and respondent fatigue may set in. On the other hand, more respondents can be reached and it is more cost-effective than other methods of observation.

Certain aspects must be noted when conducting surveys, namely:

- Respondents may respond according to what they think the researcher wants to hear or see.
- People's descriptions of attitudes and opinions are done on the spur of the moment without giving the issue at hand much thought and may be distorted by recent events or the current context.
- Some people may give distorted facts in order to impress the researcher (Leedy and Ormrod 2010).

Upon concluding the risk/benefit analysis of using the survey method and a questionnaire, it was decided to use the survey method. The limitations identified would be addressed by means of the design of the questionnaire as well as the manner in which it was administered.

In consequence a questionnaire was developed to determine the views of persons of a working age who are knowledgeable of disability management including persons with disabilities, human resource management practitioners and managers. The questionnaire would assist in determining the views, opinions and perceptions of the

three groups of respondents regarding the status of disability management and would contribute to a greater understanding of disability management.

The questionnaire was developed following the identification of the various constraints in the employment of persons with disabilities following from the literature review. The focus of this research is disability management and employment. The development of the questionnaire was therefore directly intended to address the research problem and the research questions. The questionnaire consisted of 78 questions, numbered from 1 to 78. Several questions had subquestions (25 subquestions). Fourteen questions elicited open-ended text responses which would be interpreted by using qualitative methods (ATLAS.ti). According to Mouton (2001:108), textual data is rich in meaning (sometimes multiple meanings or surplus meanings) and is difficult to capture in a short and structured manner. Due to the nature of the research these open-ended questions could not be avoided and would provide valuable in-depth information as discussed in the design process. The questions had been grouped as presented in Table 31 below:

**Table 31: Grouping of questions in the questionnaire**

Section	Description	Question No.
Section 1.	Biographical information.	1 to 10.
Section 2.	Defining disability.	11 to 14.
Section 3.	Usefulness of legal and policy framework.	15 to 16 (4 sub-questions).
Section 4.	General perceptions.	17 to 27.
Section 5.	Availability of disability policy and capacity in your organisation.	28 to 35 (7 sub-questions).
Section 6.	Prevalence of employees with disabilities.	36 to 40 (14 sub-questions).
Section 7.	Human Resource Management practices.	
Subsection 7.1.	Training and Development.	41 to 44.
Subsection 7.2.	Performance Management.	45 to 49.
Subsection 7.3.	Recruitment and selection.	50 to 54.
Subsection 7.4.	Employee retention strategy.	55 to 58.
Subsection 7.5.	Exit management strategy.	59 to 63.
Subsection 7.6.	Labour relations management strategy.	64 to 68.

<b>Section</b>	<b>Description</b>	<b>Question No.</b>
Section 8.	Reasonable accommodation.	69 to 72.
Section 9.	General.	73 to 77.
Section 10.	Declaration.	78.

The grouping of the questions in section 7 of the questionnaire follows the same order as the discussion of the concept of talent management in Chapter 2 of this research.

The majority of questions were asked as a positive statement where respondents had to indicate their degree of agreement or disagreement. Some questions were asked in the negative mainly to break monotony and to discourage respondents from following a pattern in responding. During the statistical analysis, especially to determine internal consistency of the responses, these negatively stated questions were turned into the positive to make statistical analysis possible.

An important part of a research questionnaire is the scale used to measure the responses of respondents. According to Froehle et al (2004), scale development and the refinement of multi-item scales used to measure the constructs being studied are important to empirical research. DeVellis (1991), Foxcroft and Roodt (2001) encourage a scale development process that offers a clearer conceptualisation of what the measurement entails. Kerlinger (1986:443) describes a scale as a set of items to each of which an individual responds by expressing degrees of agreement or disagreement or some other mode of response. Scale items have fixed alternatives and place the respondent at some point of the scale.

The Likert-scale is the most frequently used variation of the interval scale that consists of statements that express either a favourable or unfavourable attitude toward the object of interest. The respondent is asked to disagree or agree with each statement. Each response is given a numerical score to reflect its degree of intensity and the scores may be totalled to provide the measure of the attitude of respondents (Cooper and Schindler 2003:250).

## 8.5.2 RELIABILITY AND VALIDITY OF THE QUESTIONNAIRE

Pallant (2005:90) indicates that it is important to use scales that are valid and reliable, especially scales that are internally consistent. Internal scale consistency refers to the degree to which the items making up the scale, “hang together”. The question that needs to be answered is whether they are measuring the same underlying construct.

A seven point Likert-scale was selected for this research and a larger number of scale points than the traditional five point Likert-scale were used to offer respondents a wider range of response options and to produce greater accuracy in responses. Since the respondents were knowledgeable individuals this would assist to obtain more refined results.

Pretesting of the questionnaire to ensure face and content validity, was performed in two phases. The first phase consisted of the completion of the questionnaire by a group of 21 Honours degree students at the University of Pretoria. At the time the students had just attended a lecture on disability management and a related group assignment. The students were also requested to provide comments on the clarity of questions, structure of the questionnaire and the logical flow of the questions. The questionnaire was subsequently amended to incorporate the comments deemed relevant. The responses of these students were not included in the final data analysis due to the fact that they could not be regarded as sufficiently knowledgeable on disability management.

Once the questionnaire was finalised a further group of seven respondents who were particularly knowledgeable on disability management, was identified to pre-test the questionnaire. The group was also requested to indicate how long it took to complete the questionnaire and to express views on the clarity of questions, the structure of the questionnaire and the logical flow of the questions. The responses of these respondents were included in the final data analysis.

According to Trochim (2006) depending on their philosophical perspectives, some qualitative researchers reject the framework of validity that is commonly accepted in

quantitative research. They reject the assumption that there is a reality external to our perception of it. As a result, it does not make sense to be concerned with the “truth” or “falsity” of an observation with respect to an external reality (which is a main concern of validity). These qualitative researchers rather argue for different standards for judging the quality of research.

According to Trochim (2006), Guba and Lincoln proposed four criteria for judging the soundness of qualitative research and offered these as an alternative to more traditional quantitatively-oriented criteria. They argued that the four criteria better reflected the underlying assumptions involved in qualitative research. Their proposed criteria are listed in the table below:

**Table 32: Criteria used to respectively assess qualitative and quantitative research**

Quantitative research	Qualitative research	Discussion
Internal validity.	Credibility.	<p>In quantitative studies internal validity addresses the “true” causes of the outcomes observed. Strong internal validity means reliable measures of independent and dependent variables and strong justification that causally link independent variables to dependent variables. The Cronbach alpha was used as a measure to determine the internal validity of the questionnaire.</p> <p>The credibility criteria involved in qualitative research are the credibility or believability of the researcher doing the analysis and the respondents’ knowledge of the subject matter. The use of a purposive sample is intended to ensure that the responses obtained are indeed credible. The researcher on the other hand is knowledgeable in disability management as he has been implementing and managing disability management programmes for 14 years.</p>
External validity.	Transferability.	External validity addresses the ability to generalise the findings of the research. Transferability refers to the extent to which



Quantitative research	Qualitative research	Discussion
		the results of qualitative research can be generalised or transferred to other contexts or settings. From a qualitative perspective transferability is primarily the responsibility of the one doing the generalising. The qualitative researcher can enhance transferability by doing a thorough job of describing the research context and the assumptions that were central to the research. The person who wished to “transfer” the results to a different context is then responsible for making the judgement of how sensible the transfer is.
Reliability.	Dependability.	Reliability is based on the assumption of replicability or repeatability. It is concerned with whether we would obtain the same results if we could observe the same thing twice. The idea of dependability, on the other hand, emphasises the need for the researcher to account for the ever-changing context within which research occurs. The researcher is responsible for describing the changes that occur in the setting and how these changes affect the way the researcher approaches the study.
Objectivity.	Confirmability.	Objectivity deals with reliable knowledge, checked and controlled, undistorted by personal bias and prejudice (Kvale 1996). Qualitative research tends to assume that each researcher brings a unique perspective to the research. Confirmability refers to the degree to which the results could be confirmed or corroborated by others. There are a number of strategies for enhancing confirmability. The researcher can document the procedures for checking and rechecking the data throughout the research. Another researcher can take a “devil’s advocate” role with respect to the results and this process can be documented. The researcher can actively search for and describe negative instances that contradict prior observations. After the research, the

Quantitative research	Qualitative research	Discussion
		researcher can conduct a data audit that examines the data collection and analyses procedures and makes judgements about the potential for bias or distortion (Siegle date unknown).

Source: Trochan (2006) unless indicated otherwise.

To determine the reliability of the scale used, internal scale consistency was measured. One of the most commonly used indicators of the internal consistency is Cronbach's alpha coefficient. Ideally the Cronbach alpha coefficient of a scale should be above 0,7. Should the value of the Cronbach alpha coefficient be above 0,7 the scale can be considered reliable.

The Cronbach alpha for section 2 (combined value for questions 11, 12 and 13) is 0,808011, for section 3 (combined value for questions 15.1 to 15.4) is 0,853679, for section 4 (combined value for questions 17 to 27) is 0,7142774, for section 5(a) (combined value for questions 28 to 34) is 0,883939, for section 5(b) (combined value for questions 35.1 to 35.7) is 0,916694, for section 6 (combined value for questions 45 to 48) is 0,804789, for section 7 (combined value for questions 50 to 53) is 0,739039, for section 8 (combined value for questions 55 to 57) is 0,883344, for section 9 (combined value for questions 59 to 62) is 0,875140 and for section 10 (combined value for questions 64 to 66) is 0,895056. Since the Cronbach alpha values for all sections of the questionnaire were above 0,7, the scale that was used with the sample was internally reliable.

### 8.5.3 POPULATION AND SAMPLING

The sampling methods are usually different for qualitative and quantitative research designs. Qualitative research uses non-probability sampling to select the research population, meaning respondents are deliberately selected to reflect certain features within the sampled population.

The nature of the research undertaken was such that respondents had to be knowledgeable in the area of disability management and non-probability sampling

would therefore not be leading to the answering of the research questions. It was therefore decided to make use of the purposive sample.

The choice of purposive sampling is guided by the research problem and is also based on the fact that respondents may be selected for inclusion in the research according to a number of criteria established by the researcher, such as their status, age, sex or occupation. The sample becomes purposive because the researcher uses judgement to select respondents that will best enable the researcher to answer research questions and to meet the set objectives (Robson 1993:143).

The purposive sample is not intended to be statistically representative but rather to be theoretically representative and suitable to small-scale, in-depth studies (Ritchie, Lewis and Elam in Ritchie and Lewis 2003).

The following criteria were set to which respondents had to comply for purposes of this research:

- Adequate knowledge of disability management;
- at least matric or a post matric qualification;
- occupy a level of decisionmaking in the organisation either in a management position or being able to influence disability management policy;
- employed in an organisation employing more than 50 employees which has the effect that the EEA is applicable to such organisation;
- at least one year or more employment with the current employer;
- being an employee with disabilities; or
- managing employees with disabilities.

It would not have been possible to find respondents that would comply with all the criteria, and it was therefore decided that compliance with three or more criteria would qualify respondents in terms of the criteria.

Snowball sampling, as a method to distribute questionnaires, entails requesting respondents who have received questionnaires to identify other persons they know who may fit the selection criteria. It is a useful approach for dispersed and small populations and the main selection criteria are characteristics which may not be widely disclosed by individuals (Ritchie, Lewis and Elam in Ritchie and Lewis 2003).

This method of questionnaire distribution supported the purposive sample as the required respondents are grouped together in various topical or professional organisations.

Since new respondents are generated through existing ones, there is a danger that the diversity of the sample may be compromised. This can be alleviated to some extent by specifying the required characteristics of new sample members. Only the compliant sample members' questionnaires were analysed.

In order to identify and obtain suitable respondents and responses, the following approach was followed: Firstly, a number of local organisations for persons living with disabilities were approached. The organisations participating were selected from a list of such organisations accessed on the internet. These organisations referred the questionnaire to a number of their members who, in their view, were experts on the subject matter. Secondly, a number of employers who are known to have a disability management programme in place were approached. These employers referred the questionnaire to a number of their employees who were knowledgeable on the subject matter. Thirdly, the questionnaire was referred to experts in the area of disability management who had not been included in the first two categories.

#### 8.5.4 DATA COLLECTION

The survey questionnaire was either distributed personally or e-mailed to the individuals and organisations forming part of the sampled population as discussed above.

In order to obtain sufficient questionnaires from each of the two groups, a number of champions were selected and requested to assist with the timeous return of the completed questionnaires.

The distribution of the questionnaire started on 1 October 2008 following the process described above. A total of 72 individuals were approached. The initial deadline for submission was 15 October 2008 but on the said date only 7 completed

questionnaires had been returned. The date of submission was extended to 31 October 2008 and the questionnaire was distributed to a further 30 individuals. The initial group of respondents were reminded continuously of the importance of them returning the completed questionnaire.

The requirement that respondents had, namely to be knowledgeable on the topic of disability management, proved to be a significant challenge as there are not many such persons and no database for them exists in South Africa. To resolve this problem, more organisations working in the field of disability management were approached by e-mail. The researcher followed up with many of these organisations, especially the bigger organisations. It soon became evident that they would not respond unless their leadership authorised participation in the research. Meetings were scheduled, e-mails sent and from these it became evident that the organisations were over-burdened by all the students and research organisations wanting them to participate in their respective research projects. The organisations also indicated that they had never received feedback from the many researchers that had approached them, although such feedback was promised. The necessary undertakings for feedback by the researcher were given and two of the biggest South African organisations for persons with disabilities, distributed the questionnaire to their members.

Even this process did not lead to instantaneous success as the deadline of 15 November 2008 had to be extended again to 30 November 2008. By this date 24 responses (11 disabled and 13 not disabled) were received and it was evident that the responses were too few to be meaningful.

Feedback was received from 12 respondents who, although they were occupying positions in their respective employment organisations which would require them to be knowledgeable on disability management issues, found the questionnaire too technical and they were not able to respond to the questions in a meaningful manner. More respondents could have had the same difficulty but did not provide feedback to the researcher. This is rather significant in the development of a strategy to employ persons with disabilities as the lack of technical knowledge could be a constraint in not employing persons with disabilities.

On 16 February 2009 the researcher also featured on Radio 2000 to talk about disability management. During this talk a plea was also made for assistance with the completion of the questionnaire.

The collection of questionnaires was concluded at the end of February 2009, when a total of 84 (38 disabled and 46 not disabled) properly completed questionnaires, had been received. A number of questionnaires had also been received which had been completed poorly or the respondents were not sufficiently knowledgeable on disability management and it was decided to exclude these from the analysis.

### 8.5.5 CHARACTERISTICS OF THE SAMPLE

The characteristics of the sample (biographical information) are presented below. The biographical information was obtained through the questionnaire as it made up the first section of the questionnaire which consisted of ten questions.

#### 8.5.5.1 Number of employees employed by the respondents' organisation – Question 1

Question 1 and the response categories are presented in Table 33 below:

**Table 33: Questions and response categories related to the number of employees employed by respondents' organisations**

NO	QUESTION/STATEMENT	RESPONSE						
1.	How many employees are employed at the organisation that you work for (Check ONE box)?	I am not seeking employment.	I am unemployed.	Fewer than 100.	101 to 500 employees.	501 to 1,000 employees.	1,001 to 5,000 employees.	More than 5,000 employees.

The responses were tabulated as follows:

**Table 34: Representation of participants (respondents) from different sizes of organisations**

<b>SIZE OF ORGANISATION</b>	<b>DISABLED RESPONDENTS</b>	<b>NOT DISABLED RESPONDENTS</b>	<b>COMBINED</b>
<b>Fewer than 100 employees.</b>	12 32%	7 15%	19 23%
<b>101 to 500 employees.</b>	5 13%	13 28%	18 21%
<b>501 to 1,000 employees.</b>	6 16%	8 17%	14 17%
<b>1,001 to 5,000 employees.</b>	7 18%	12 26%	19 23%
<b>More than 5,000 employees.</b>	7 18%	4 9%	11 13%
<b>Missing responses.</b>	1	2	3
<b>Total.</b>	38 45%	46 55%	84 100%

From Table 34 it is observed that 12 (32%) disabled respondents were employed by organisations employing fewer than 100 employees. The majority of disabled respondents namely 25 (66%) fell into the more than 100 employees category indicating that most respondents with disabilities were employed in larger organisations. Not a single disabled respondent indicated that he or she was unemployed although one respondent indicated that she is not seeking employment.

A similar trend is prevalent amongst the not disabled respondents since 37 (80%) indicated that they were employed in organisations employing more than 100 employees. Only 9 (20%) not disabled respondents indicated that they were employed in organisations with fewer than 100 employees. Two not disabled respondents indicated that they were unemployed.

Both the disabled and not disabled response groups would therefore be dominated by the perspective from larger organisations (more than 100 employees). As discussed in Chapter 5, the EEA, which is the main legislative component in the South African disability management strategy, is fully applicable to employers employing more than 50 employees (referred to as “designated employers” in section 1 of the EEA). The perspective from larger organisations would therefore be expected to be compliant with the EEA, which is ideal for research of this nature.

The first two response categories of question 1 namely “I am not seeking employment” and “I am unemployed” were included to obtain a complete picture of respondents in terms of whether they are employed or not.

#### **8.5.5.2 Nature of the respondents’ business – Question 2**

The question reads as follows: “What is the nature of the business of the organisation that you work for?” This was an open-ended question and the responses were categorised during the analysis of the responses following an open-coding process. The responses were grouped into categories which belong together. These categories were then consolidated further to provide a more specific focus. The following response categories were selected following this process:

- Public Service and Municipal sector.
- Education, academic research and training sector.
- Community, social and personal services sector.
- Manufacturing, transport and media services sector.
- Finance and business services sector.

A further response category named “other” was added to include those responses which could not logically be fitted into the abovementioned categories and to cater for the respondent who indicated that employment was not sought.

The responses are presented in Table 35 below:

**Table 35: Nature of the business of the organisation the respondent works for**

<b>DIFFERENT BUSINESS SECTORS</b>	<b>DISABLED RESPONDENTS</b>	<b>NOT DISABLED RESPONDENTS</b>	<b>COMBINED</b>
<b>Public Service and Municipal sector.</b>	14 37%	12 26%	26 31%
<b>Education, academic research and training sector.</b>	4 11%	6 13%	10 12%
<b>Community, social and personal services sector.</b>	4 11%	2 4%	6 7%
<b>Manufacturing, transport and media services sector.</b>	7 18%	5 11%	12 14%
<b>Finance and business services sector.</b>	6 16%	16 35%	22 26%
<b>Other sector.</b>	3 8%	5 11%	8 10%
<b>Missing responses.</b>	0	0	0
<b>Total.</b>	38 45%	46 55%	84 100%

It is observed from Table 35 that the largest number of respondents (31%) was employed in organisations within the “public service and municipal sectors” followed by the “finance and business services sector” (26%). The “manufacturing, transport and media services sector” employed 14% of the respondents, followed by the “education academic research and training sector” which employed 12% of the respondents. The category called “other sector” employed 10% while the

“community, social and personal services sector” accommodated 7% of respondents.

The public service and municipal sector is considered to be the best organised when it comes to disability management in South Africa. Due to the purposive nature of the sample it was unavoidable to have such a significant number of respondents from the public service.

### 8.5.5.3 Current position of the respondent – Question 3

The different designations were categorised as presented in Table 36 below:

**Table 36: Question and response categories related to the respondents' current position/designation**

NO	QUESTION/STATEMENT	RESPONSE	
3.	Please describe your current position in the organisation that you work for.	CEO/Director General/Top Management.	1
		Senior Manager.	2
		Middle Manager.	3
		Supervisor.	4
		Production worker.	5
		Specialist/professional employee.	6
		Other: Please specify.	7

The responses were tabulated as presented in Table 37 below:

**Table 37: Representation of the current position/designation of respondents**

DESIGNATION	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
<b>CEO/Director-General/ Top Management.</b>	4 11%	6 13%	10 12%
<b>Senior Manager.</b>	4 11%	11 24%	15 18%
<b>Middle Manager.</b>	7 18%	14 30%	21 25%

DESIGNATION	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
Supervisor.	7 18%	3 7%	10 12%
Production worker.	2 5%	3 7%	5 6%
Specialist/ professional employee.	10 26%	8 17%	18 21%
Other.	4 11%	1 2%	5 6%
Missed responses.	0	0	0
Total.	38 45%	46 55%	84 100%

The content of Table 37 shows that the position in the organisation which was most prevalent amongst 10 (26%) disabled respondents was “specialist/professional employee” while the remaining disabled respondents were distributed fairly evenly through the other position categories. To determine how influential respondents were in their respective organisations, the response categories have been collapsed into the management categories (CEO, senior manager, middle manager and supervisor). The majority of disabled respondents, namely 22 (58%) were employed in the supervisory or management category. Four disabled respondents were employed in the most senior category of “CEO” and a further four in the “senior manager” category.

Fourteen (14 - 30%) respondents in the not disabled group were “middle managers”. Similarly to the disabled group the response categories were collapsed into the management categories. The majority or 34 (74%) not disabled respondents were supervisors or managers and slightly more not disabled respondents were managers than disabled respondents.

In combining the disabled and not disabled groups of respondents, 56 (66,67%) respondents were in managerial positions. This confirms that at least two-thirds of the respondents, apart from being “knowledgeable”, were also in decision-making positions in their respective organisations. Employment decisions in South African organisations are normally made by persons occupying positions of middle management, senior management and CEO. More than half (55%) of respondents occupied such positions and could therefore influence employment practices.

The views expressed by the respondents are therefore credible in reflecting the current reality in respect to the employment of persons with disabilities.

#### 8.5.5.4 Duration of employment in current position – Question 4

Question 4 and the response categories are presented in Table 38 below:

**Table 38: Question and response categories related to the length of service in the respondents' current position**

NO	QUESTION/STATEMENT	RESPONSE	
4.	How long have you served in your current position?	Less than 1 year.	
		1 to 2 years.	
		3 to 5 years.	
		6 to 9 years.	
		10 + years.	

The results were tabulated as follows in Table 39 below:

**Table 39: Duration of employment in current position**

EMPLOYMENT IN YEARS	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
Less than 1 year.	3 8%	5 11%	8 10%
1 to 2 years.	11 29%	15 33%	26 31%
3 to 5 years.	7 18%	14 30%	21 25%

EMPLOYMENT IN YEARS	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
6 to 9 years.	4 11	9 20%	13 15%
10 + years.	13 34%	3 7%	16 19%
Missed responses.	0	0	0
<b>Total.</b>	38 45%	46 55%	84 100%

From Table 39 it is evident that the most prevalent response value of the disabled respondents of 13 (34%) was “10 + years”, followed closely by 11 (29%) with “1 to 2 years” in their current position. The disabled respondents therefore had either limited time in their current jobs or they had spent more than 10 years in their jobs.

The response value of the not disabled group which appeared most was “1 to 2 years” by 15 (32%) respondents which were closely followed by “3 to 5 years” of 14 (30%) respondents. The most not disabled respondents had therefore spent rather limited time in their current positions.

#### 8.5.5.5 Geographic location of respondents – Question 5

Question 5 and the response categories are presented in Table 40 below:

**Table 40: Question and response categories related to the geographic location of respondents**

NO	QUESTION/STATEMENT	RESPONSE	
5.	In which province is the organisation that you work for located?	Gauteng.	
		Western Cape.	
		Eastern Cape.	
		Northern Cape.	
		Mpumalanga.	
		North West.	
		KwaZulu-Natal.	
		Limpopo.	
		Free State.	
		Other: Please specify.	

The results were tabulated in Table 41 below:

**Table 41: Geographic location of respondents**

GEOGRAPHIC LOCATION	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
<b>Gauteng.</b>	25 66%	36 78%	61 73%
<b>Western Cape.</b>	5 13%	4 9%	9 11%
<b>Eastern Cape.</b>	1 3%	0	1 1%
<b>Northern Cape.</b>	0	0	0
<b>Mpumalanga.</b>	1 3%	0	1 1%
<b>North West.</b>	1 3%	2 4%	3 4%
<b>KwaZulu-Natal.</b>	4 11%	0	4 5%

GEOGRAPHIC LOCATION	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
Limpopo.	1 3%	0	1 1%
Free State.	0	2 4%	2 2%
Other.	0	2 4%	2 2%
Missed responses.	0	0	0
Total.	38 45%	46 55%	84 100%

From Table 41 it is observed that most respondents (73%) were based in “Gauteng”.

#### 8.5.5.6 Home language of respondents – Question 6

Question 6 and the response categories are presented in Table 42 below:

**Table 42: Question and response categories related to the home language of respondents**

NO	QUESTION/STATEMENT	RESPONSE
6.	Please indicate your home language (Check ONE box).	Afrikaans.
		English.
		IsiNdebele.
		Sepedi.
		Sesotho.
		SiSwati.
		Xitsonga.
		Setswana.
		Tshivenda.
		IsiXhosa.
		IsiZulu.
		Other: Please specify.

The results were tabulated in Table 43 below:

**Table 43: Home language of respondents**

HOME LANGUAGE	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
<b>Afrikaans.</b>	19 50%	22 48%	41 49%
<b>English.</b>	12 32%	12 26%	24 29%
<b>IsiNdebele.</b>	0	1 2%	1 1%
<b>Sepedi.</b>	1 3%	1 2%	2 2%
<b>Sesotho.</b>	0	0	0
<b>SiSwati.</b>	0	1 2%	1 1%
<b>Xitsonga.</b>	0	0	0
<b>Setswana.</b>	2 5%	1 2%	3 4%
<b>Tshivenda.</b>	1 3%	2 4%	3 4%
<b>IsiXhosa.</b>	1 3%	1 2%	2 2%
<b>IsiZulu.</b>	2 5%	5 11%	7 8%
<b>Others.</b>	0	0	0
<b>Missed responses.</b>	0	0	0

HOME LANGUAGE	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
Total.	38 45%	46 55%	84 100%

From Table 43 it is observed that most respondents, 41 (49%), were Afrikaans speaking while 24 (29%) were English speaking. The remaining 19 (23%) had an African language as a home language.

#### 8.5.5.7 Highest level of qualification of respondents – Question 7

Question 7 and the response categories are presented in Table 44 below:

**Table 44: Question and response categories related to the respondents' highest level of education**

NO	QUESTION/STATEMENT	RESPONSE	
7.	Please indicate your highest level of education (Check ONE box).	Standard 6/ Grade 8 or lower.	
		Standard 8/ Grade 10.	
		Matric/ Grade 12.	
		National Diploma.	
		Bachelor's Degree.	
		Honours Degree.	
		Masters or Doctors Degree.	
		Other: Please specify.	

The results were tabulated in Table 45 below:

**Table 45: Highest level of qualification of respondents**

HIGHEST QUALIFICATION	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
Standard 6/ Grade 8 or lower.	0	0	0
Standard 8/ Grade 10.	2 5%	0	2 2%

HIGHEST QUALIFICATION	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
Matric/ Grade 12.	14 37%	3 7%	17 20%
National Diploma.	6 16%	6 13%	12 14%
Bachelor's Degree.	3 8%	6 13%	9 11%
Honours Degree.	6 16%	18 39%	24 29%
Masters or Doctors Degree.	7 18%	13 28%	20 24%
Total.	38 45%	46 55%	84 100%

Emanating from Table 45, it appears that the value which appeared most for disabled respondents was “Matric/Grade 12” namely 14 (37%) respondents, followed by “Masters or Doctors Degrees” 7 (18%) respondents. A total of 22 (58%) of the disabled respondents were in possession of a post-matric qualification.

The value which appeared most for the not disabled respondents was 18 (39%) “Honours Degree”, followed by 13 (28%) “Masters or Doctors Degree”. A total of 43 (93%) of the not disabled respondents were in possession of a post-matric qualification.

#### 8.5.5.8 Gender of respondents – Question 8

Question 8 requested respondents to indicate their gender as either male or female. The results were tabulated in Table 46 below:

**Table 46: Gender distribution of respondents**

GENDER	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
Male.	26 68%	18 39%	44 52%
Female.	12 32%	28 61%	40 48%
Missed responses.	0	0	0
Total.	38 45%	46 55%	84 100%

Table 46 indicates that 26 (68%) respondents were males with disabilities, while 12 (32%) were females with disabilities. A further 18 (39%) respondents were males and 28 (61%) were females without disabilities. The overall distribution by gender was 44 (52%) male and 40 (48%) female.

#### 8.5.5.9 Disability status of respondents – Question 9

Question 9 requested respondents to indicate whether they were disabled or not. The results are presented in Table 47 below:

**Table 47: Disability status of respondents**

STATUS	DISABLED	NOT DISABLED	COMBINED
Disability status.	38 45%	46 55%	84 100%
Missing responses.	0	0	0
Total.	38 45%	46 55%	84 100%

According to Table 47, 38 (45%) respondents were disabled while 46 (55%) respondents were not disabled.

#### 8.5.5.10 Management of persons with disabilities by respondents– Question 10

Question 10 and the response categories are presented in Table 48 below:

**Table 48: Questions and response categories related to whether respondents were managing employees with disabilities**

NO	QUESTION/STATEMENT	RESPONSE		
		Yes.	No.	Not applicable.
10.	Are you managing employee/s with disabilities?			

The results were tabulated in Table 49 below.

**Table 49: Management of persons with disabilities by respondents**

MANAGEMENT OF PERSONS WITH DISABILITIES	DISABLED RESPONDENTS	NOT DISABLED RESPONDENTS	COMBINED
<b>Yes.</b>	8 21%	15 33%	23 27%
<b>No.</b>	30 79%	31 67%	61 73%
<b>Not applicable.</b>	0	0	0
<b>Missing responses.</b>	0	0	0
<b>Total.</b>	38 45%	46 55%	84 100%

Table 49 reveals that 8 (21%) disabled respondents indicated that they managed disabled employees while 30 (79%) disabled respondents indicated that they did not manage disabled employees. Fifteen (15) (33%) not disabled respondents indicated that they managed disabled employees, while 31 (67%) indicated that they did not

manage disabled employees. A total of 23 (27%) respondents overall managed disabled employees while 61 (73%) respondents did not manage disabled employees.

Upon analysis of the foregoing biographical information, the question which requires an answer was whether the sample was purposive and suitable for the purposes of the research. Since the research analysis and discussion which follows were based on the questionnaire completed by the sample of 84 respondents, it was important to ensure that the sample was adequate.

The respondents were selected on the basis of the criteria set out above. It would not have been possible to find respondents that would comply with all the criteria, and it was therefore decided that compliance with three or more criteria would qualify respondents in terms of the criteria. The respondents who did not qualify with at least three of the criteria were excluded from the sample.

Following this approach it was concluded that the sample was indeed purposive. The reasons for reaching this conclusion were the following:

- 67% of the respondents were in managerial positions which are decision-making positions;
- 98% of all respondents were in possession of a matric/grade 12 qualification and 58% of the disabled respondents and 93% of the not disabled respondents were in possession of a post-matric qualification;
- the gender representation of respondents was evenly distributed;
- adequate knowledge of disability management was difficult to determine directly but it is assumed that a combination of position at the employer (level of decision-making in the organisation either in a management position or being able to influence disability management policy), number of employees employed by the employer (employed in an organisation employing more than 50 employees which has the effect that the EEA is applicable to such organisation), length of employment in the current position of employment (at least one year or more employment with the current employer) and being an employee with disabilities, would qualify as being knowledgeable; and

- 27% of respondents manage employees with disabilities.

In addition to the above the following characteristics of the sample should also be pointed out:

- 38 disabled and 46 not disabled respondents are sufficient in number for the nature of this study; and
- the respondents represent different sectors in the South African economy which could be broadly categorised into six sectors.

#### 8.5.6 DATA PROCESSING AND ANALYSIS

The presentation of statistical data is often constrained by two conflicting goals, namely that the researcher attempts to provide the reader with the fullest degree of detail, but the detail is not presented in a manageable form (Babbie and Mouton 2001:427). Efforts were made to select and interpret only the most relevant statistics resulting in the exclusion of certain statistics which were not relevant or significant in the research.

As a first step in analysing the research results frequency analysis was conducted for descriptive purposes. The descriptive statistics mainly served the purpose of describing the characteristics of the sample and of addressing some specific research questions (Pallant 2005:49). The most pertinent results are discussed in detail below and, where relevant, are presented in tabular format. The frequency analysis was always calculated by using the number of respondents who completed the question in a particular group (disabled or not disabled) or overall, as the case may be. Missing responses were therefore not included in the specific statistical analysis. A respondent who missed a particular response was only excluded during the analysis of that response and not for the other responses which were completed. This method was followed to ensure that percentages can be compared meaningfully but that the highest number of responses could be utilised.

The analysis of data would be performed by utilising quantitative and qualitative techniques. The techniques are discussed separately below.

### 8.5.6.1 Quantitative analysis

The statements were grouped in sections dealing with a specific topic as can be seen in the “description” column of Table 31 above. The analysis of these questions would also be done per topic.

The questionnaire was developed in such a manner that the coding of the questions followed a simple pattern. The value 1 was allocated to the first response per question and values increased by 1 to the last option per question, which was the value 7.

The capture and analysis of data were completed in two distinct phases. The first phase was the analysis of data obtained from the survey and the second phase was the analysis of qualitative data.

The questionnaire had been adequately designed and pre-coded to facilitate data entry directly into an excel spread sheet. The excel spread sheet consisted of two workbooks. Responses were grouped into “Disabled” (participants who are disabled) and “Not disabled” (participants who are not disabled), in accordance with the response to question 9 of the questionnaire. The statistical analysis was done with SASS Version 8.2. The statistical analysis was conducted according to the interpretation key (following a consistent pattern) as set out in Table 50 below.

**Table 50: Meaning attached to the various response values (interpretation key)**

RESPONSE VALUE	MEANING	MEANING OF COLLAPSED CATEGORIES
1	Disagree strongly.	Disagreement.
2	Disagree.	
3	Slight disagreement.	
4	Neutral.	Neutral.
5	Slight agreement.	Agreement.
6	Agree.	
7	Agree strongly.	

As presented in Table 50 scores or response values of 1, 2 and 3 would be regarded as “disagreement” with the particular statement while response values 5, 6 and 7 would be regarded an “agreement” with the particular statement. The basis on which this interpretation key was developed was on logical and rational grounds based on the following arguments:

- Disagreement with a statement whether slight disagreement or strong disagreement indicates that a constraint has been identified. It should be noted that most of the statements have been phrased positively and those statements that have been phrased negatively have been turned into positive statements during analysis.
- Agreement with a statement indicates that a constraint has not been identified.
- Neutral responses have been interpreted that the respondent does not have a view on the specific matter and is undecided.

Arising from the above arguments it was decided that those topics where the average score (mean) is less than 5, are, for purposes of this research, indicative of a constraint which requires to be addressed as an element of a disability management strategy.

As a result of the nature of the research, mainly descriptive statistics were performed to interpret the research results. Descriptive statistics have a number of uses (Pallant 2005:49) namely to:

- Describe the characteristics of the sample;
- check the variable for any isolation of the assumptions underlying the statistical techniques that will be used to address the research question; and
- address specific research questions.

Pallant (2005:90) also adds that frequencies should be used to obtain descriptive statistics for categorical variables.

Jansen (2007:19) states that descriptive statistics are about summaries of data in three ways:

- Through location of centrality (means, modes and median) referred to as “measures of centrality”.
- Through dispersion (the range, the variance and standard deviation) referred to as the spread of data around the average.
- Through measures of shape (skewness and kurtosis).

Consideration had to be given to the utilisation of the standard deviation in the interpretation of the results. The standard deviation indicates how responses deviate from the average value of the responses. Due to the relatively small sample utilised, the interpretive value of the standard deviation was very limited and it was subsequently decided not to present the standard deviation for each question. The analysis per question was therefore based on the mean for such question.

#### **8.5.6.2 Qualitative analysis**

According to Ritchie, Spencer and O’Connor in Ritchie and Lewis (2003), data management usually involves a decision on the themes or concepts to be used for labelling, sorting and comparison of data. The researcher first gained an overview of the data covered, became familiar with the data set and focused on the data set that pertains to the objectives of the research. The researcher then identified recurring themes and ideas using the ATLAS.ti programme.

Participants in the research are experienced in disability management. The development of the strategy originates from the literature reviewed and it is generated or “grounded” in data from respondents (Strauss and Corbin 1990). The strategy is, therefore, developed by following a deductive (originating from the literature review) and inductive (originating from the data from respondents) approach.

The researcher generated a general explanation of a process, action or interaction shaped by the views of participants (Strauss and Corbin 1990, Creswell 2007), due to the fact that current theories are inadequate in explaining the constraints persons with disabilities face to find employment.

The ATLAS.ti package was developed to enable a grounded theory approach (Silverman 2005). The researcher used the ATLAS.ti in order to analyse data derived from the questionnaire, both to extract themes during the pilot study and to obtain a wider understanding of constraints experienced by persons with disabilities. The ATLAS.ti is utilised to perform analysis on large amounts of textual, graphical and audio data that cannot be analysed by formal, statistical approaches in meaningful ways (Muhr 1997).

Open coding (Strauss and Corbin 1990, Muhr (1997) and Borgatti 2007) is the part of the analysis concerned with identifying, naming, categorising and describing phenomena found in the text. Essentially, each line, sentence and paragraph is read in search of the answer to the repeated question “what is this about? What is being referred to here?” Coding can be done very formally and systematically or quite informally. In grounded theory it is done informally and new categories are invented when required. The researcher organised the responses received into distinct units of meaning per line of text and then identified key words or phrases of the phenomenon in question.

The researcher focused on the constraints persons with disabilities faced in finding employment and the context in which these barriers manifest, the strategies used to overcome the constraints and the consequences of these strategies. The researcher thus moved back and forth among data collection and open coding and continually refined the categories and their interconnections as more data was collected.

## **8.6 ETHICAL CONSIDERATIONS**

Saunders et al (1997:178) emphasise that it is important to ensure that the way in which the research is designed should both be methodologically sound and morally defensible to all those who are involved in it. To ensure this the researcher needed to obtain consent from respondents, ensure confidentiality of their responses, and inform them about the character of the research and their right to withdraw at any time to avoid harmful consequences.

McGuigan (1983:107) provides a general guideline in ethical principles in the conduct of research with human participants, namely that the researcher assumes responsibility for the welfare of research participants and should seriously evaluate each aspect of the research in order to maintain the dignity and welfare of the participants. The ultimate broader aim of this research was to endeavour to positively effect the employment of more persons with disabilities.

The respondents participating in this research would not be at risk in any manner. Concealment or deception would not be used at any time during the research to gather information.

The purposive sample of managers, human resource management practitioners and persons with disabilities were fully informed of the purpose of the research and their written consent to use their responses for research purposes were obtained. The respondents would also be free to choose whether or not to complete the questionnaire and they would be provided with sufficient time to make a considered decision (Olivier 2003:27). The respondents would also be provided with an article which emanates from the research. No negative personal consequences resulting from the feedback are foreseen.

The information obtained through the completed questionnaire will be kept confidential and will be stored in the format required by the University of Pretoria for the time period required.

## **8.7 SUMMARY**

The research was initially exploratory by nature, especially during its starting phase. As the research progressed, more depth was required to the exploratory study and the research became more formal and descriptive of nature.

The research design selected for this study is mainly empirical. Primary data was gathered by means of the survey method and the questionnaire was specifically designed for purposes of this research. It contains both structured Likert-type questions and open-ended textual questions.

Although the research was mainly empirical it also had a non-empirical design element due to the strategy which will be developed.

The complexity of disability management and the issues which cause this complexity, led to the decision to follow both a qualitative and a quantitative research design. The research design approach is referred to as concurrent triangulation as it integrates the results of the two methods during the interpretation phase.

Descriptive and inferential statistical methods were used to analyse the participants' quantified scores while the qualitative method of Content Analysis (ATLAS.ti) was applied to analyse the respondents' answers to the open-ended questions.

The sample used for the research was found to be purposive as respondents complied with at least three of the criteria set. The internal validity of the questionnaire was determined through the use of the Cronbach alpha. The results indicated that all the sections of the questionnaire had a Cronbach alpha value above 0,7 which led to the conclusion that the questionnaire was internally valid.

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## CHAPTER 9

### RESEARCH FINDINGS AND DISCUSSION

“Every man is born with the ability to do something well. This is what the Lord intended him to do. using that ability – what life is all about.” Gracie Allen

#### 9.1 INTRODUCTION

The purpose of this chapter is to present, interpret and discuss the research findings of the study. The research problems were captured in a questionnaire which had as its main objective the identification and understanding of the constraints to the employment of persons with disabilities. The questionnaire was completed by a purposive sample of 38 disabled persons and 46 not disabled managers and human resource management practitioners. The quantitative research design and the qualitative method of Content Analysis (ATLAS.ti) were also applied to further identify categories and subcategories of constraints and to provide greater understanding of the most significant constraints that inhibit the employment of persons with disabilities.

The identified constraints are interpreted and discussed. As part of the discussion, strategic outputs are suggested to mitigate these constraints. The strategic outputs will form the basis on which the strategy to employ persons with disabilities is developed in the next chapter. Further research topics were also identified.

#### 9.2 PRESENTATION OF THE RESEARCH FINDINGS

The presentation and discussion of the research findings follow the same order as the questions in the questionnaire. In order to ensure maximum clarity the question as stated in the questionnaire is presented whereafter the research results are presented and discussed for the said question.

This will be repeated for each question in a particular section of the questionnaire. The means for each question in the section is then presented followed by a conclusion whether a constraint has been identified or not using the interpretation

key presented in Table 50 in Chapter 8. This pattern is followed consistently throughout this chapter.

As discussed in Chapter 8 the purpose of the research is amongst others, to identify the constraints to the employment of persons with disabilities. The response categories were therefore divided into two categories, namely response category “5 to 7” reflected the level of agreement and response category “1 to 3” reflected the level of disagreement. Where relevant, this approach was followed consistently. The quantitative statistics for each section of the questionnaire are presented at the end of each section, for that specific section.

The research findings in respect of sections 2 to 9 of the questionnaire are discussed below. The research findings and the discussion of section 1 of the questionnaire (biographical information) were presented in Chapter 8.

#### 9.2.1 SECTION 2: DEFINING DISABILITY - QUESTIONS 11 TO 14

The section of the questionnaire relating to the definition of disability was divided into 4 questions (questions 11 to 14). Questions 11 to 13 were quantitative questions while question 14 was an open-ended question that was analysed by using a qualitative technique by means of the ATLAS.ti software.

Questions 11 to 13 and the response categories are presented in Table 51 below:

**Table 51: The questions and response categories related to the definition of disability**

The Employment Equity Act, 1998, defines “People with Disability” as follows: “... people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment;”								
NO	QUESTION/STATEMENT	RESPONSE						
11.	Indicate the extent to which you agree with this definition.	1 Indi- cates strong dis- agree-	2	3	4	5	6	7 Indi- cates strong agree- ment.

		ment.						
12.	Indicate the extent to which this definition covers all types of disability.	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely / fully.
13.	Indicate the extent to which this definition assists in dealing with issues of disability.	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely / fully.
14.	How do you propose this definition should be amended? (Open text)							

### Question 11 (Extent to which the definition of disability is agreed with)

The results are presented in Table 52 below:

**Table 52: Frequencies of question 11 indicating the extent to which the definition of disability is agreed with**

<sup>1</sup> RESP CAT	DISABLED		NOT DISABLED		COMBINED	
	<sup>2</sup> FREQUENCY	<sup>3</sup> %	FREQUENCY	%	FREQUENCY	%
<sup>4</sup> 1	1	3	0	0	1	1
2	3	8	3	7	6	7
3	2	5	1	2	3	4
<sup>5</sup> 4	3	8	6	13	9	11
<sup>6</sup> 5	7	19	13	28	20	24
6	9	24	18	39	27	33
7	12	32	5	11	17	20

<sup>1</sup> RESP CAT refers to the options available to the respondents on the seven point Likert scale.

<sup>2</sup> FREQUENCY refers to the number of respondents whom selected the relevant response category.

<sup>3</sup> % refers to the number of respondents who chose a specific response category relative to the total responses overall or in a specific group of either disabled or not disabled.

<sup>4</sup> Red refers to the respondents' "disagreement" with the statement.

<sup>5</sup> Orange refers to the respondents' "neutral" position in respect of the statement.

<sup>6</sup> Green refers to respondents' "agreement" with the statement.

Emanating from Table 52 it is evident that 12 (32%) and 9 (24%) disabled respondents indicated strong agreement and somewhat strong agreement respectively with the definition. To establish whether the definition of disability could be regarded as a constraint to the employment of persons with disabilities, the response categories were divided into two categories as discussed in par. 8.5.6.1 above. Response category “5 to 7” reflected the level of agreement and response category “1 to 3”, the level of disagreement. A total of 28 (76%) disabled respondents selected the “agreement” category while only 6 (16%) selected the “disagreement” category. One (1) disabled respondent did not complete this question.

Eighteen (18 - 39%) not disabled respondents indicated “somewhat strong agreement” with the definition while 5 (11%) indicated strong agreement. Should the categories be collapsed as indicated above, 35 (78%) respondents selected the “agreement” category, while only 4 (9%) selected the “disagreement” category. The “agreement” with this definition by both groups of respondents was indicative that, from a quantitative data point of view, this definition was agreed with. This dispelled the possible notion reflected in the research questions that the abovementioned definition was not adequate. The quantitative results contradict the views of some authors that the definition of disability as discussed in Chapter 2 (par 2.3) is inadequate. This could also be interpreted that the respondents still hold a medical model perspective on disability management.

### **Question 12 (Extent to which this definition covers all types of disability)**

The results are presented in Table 53 below:

**Table 53: Frequencies question 12 indicating the extent to which this definition covers all types of disability**

RESP CAT	DISABLED		NOT DISABLED		COMBINED	
	FREQUENCY	%	FREQUENCY	%	FREQUENCY	%
1	1	2,7	1	2,17	2	2,41
2	1	2,7	1	2,17	2	2,41
3	6	16,22	6	13,04	12	14,46
4	5	13,51	3	6,52	8	9,64
5	9	24,32	14	30,43	23	27,71

RESP CAT	DISABLED		NOT DISABLED		COMBINED	
	FREQUENCY	%	FREQUENCY	%	FREQUENCY	%
6	12	32,43	17	36,96	29	34,94
7	3	8,11	4	8,70	7	8,43

From Table 53 above it was evident that 12 (32%) disabled respondents indicated that the definition “almost completely” covers all types of disabilities. Should the categories be divided into the “agreement” or “disagreement” categories, 24 (65%) respondents selected the “agreement” category.

Seventeen (17 - 37%) not disabled respondents indicated that the definition “almost completely” covers all types of disabilities. Should the categories be divided, 34 (76%) respondents selected the “agreement” category while 8 (17%) respondents selected the “disagreement” category.

The results in Table 53 dispel the possibility that the abovementioned definition does not cover all types of disability.

**Question 13 (Extent to which this definition assists in dealing with issues of disability)**

The results are presented in Table 54 below.

**Table 54: Frequencies question 13 indicating the extent to which this definition assists in dealing with issues of disability**

RESP CAT	DISABLED		NOT DISABLED		COMBINED	
	FREQUENCY	%	FREQUENCY	%	FREQUENCY	%
1	5	14	3	7	8	10
2	3	8	2	5	5	6
3	6	16	8	18	14	17
4	10	27	9	20	19	23
5	5	14	13	29	18	22
6	7	19	10	22	17	21
7	1	3	0	0	1	1

From Table 54 above it is evident that 10 (27%) disabled respondents indicated “uncertainty” as to whether this definition assisted in managing disability. Should the

response categories be divided 14 (38%) respondents selected the “disagreement” category while 13 (35%) respondents selected the “agreement” category. Ten (10) (27%) respondents expressed uncertainty. Due to the rather even distribution of the responses to this question it was not conclusive whether the definition of persons with disabilities assisted disability management or not. The responses by the not disabled respondents followed a similar pattern namely 23 (51%) indicated that the definition assisted in managing disability, while 13 (29%) indicated that it did not assist. In this instance, 9 (20%) expressed uncertainty.

The mean for each question in Section 2 of the questionnaire are presented in Table 55 below:

**Table 55: Means of questions 11, 12 and 13 related to the formal definition of disability**

QUESTION	N	Mean
11	82	5,29268
12	82	4,96341
13	82	4,08537

Table 55 thus indicates that the mean for question 11 is 5,29268 (maximum possible value is “7”) which was indicative that there was a convincing level of “agreement” with the definition of “persons with disabilities” as set out in section 1 of the EEA. The responses of the disabled respondents and the not disabled respondents were similar, with 76% of disabled respondents and 78% of the not disabled respondents respectively, agreeing with the definition.

The mean for question 12 is 4,96341, indicating the view of respondents that the definition covers all types of disability to some extent. The responses of disabled respondents and not disabled respondents were similar with 65% of the disabled respondents and 76% of the not disabled respondents respectively, indicating that the definition covers all types of disabilities.

The mean for question 13 is 4.08537 indicating that the definition assisted to some extent with disability management. Fewer persons with disabilities (35%) indicated that the definition assisted while half (51%) of the not disabled respondents, indicated that the definition of disability assisted in managing disability.

The research questions related to the definition of disability were posed because of the perceived uncertainty around the definition of “persons with disabilities” as set out in section 1 of the EEA. The mean outlined above indicated that the respondents were actually of the view that the definition was applicable, that it covered all types of disability and that it assisted to a limited extent in dealing with issues of disability management.

However, the responses to questions 12 and 13 were below the mean value of “5” which was set as the criteria for acceptance as discussed in par. 8.5.6.1. The lower mean than the mean required for acceptance in the responses to question 12 and 13 is indicative that this aspect was a constraint and it should be included in a strategy to employ persons with disabilities.

#### **Question 14 (Open ended question to obtain proposals on how the definition of disability should be amended)**

The qualitative analysis of the responses to question 14 was analysed with the use of ATLAS.ti. The process of open coding was followed and the following three thematic themes, which are discussed below, were identified:

- Accessibility and reasonable accommodation was identified as the major disabler to persons with disability and the reasons for identifying this constraint were as follows:
  - Persons with disabilities operate in inaccessible environments which creates disabling conditions.
  - The laws which exist to govern accessibility were not enforced.
- The definition and various terms used in the definition were unclear and required either clarification or change. The following motivation and suggestions were provided:
  - Respondents indicated that the definition should be simplified.

- The terms “impairment”, “substantially”, “long term” and “recurring” were indicated by a number of respondents as being unclear.
- It was also suggested that the word “substantially” should be omitted.
- Clarity was not provided concerning chronic ailments, specifically HIV.
- Perception needs to be included because disability is perceived and not dependant on actual limitations which result in society disabling the person with disabilities.
- The definition was presently not aligned to the UN definition and it should be aligned.
- The definition must provide for different levels of disability within the various categories.
- Emotional disorders and psychiatric conditions must also be included.
- It was also pointed out that it is necessary to draw a distinction between mental and physical disabilities.
- It was advised that all disabilities should not be lumped together.
- The definition must provide for levels of disability within the various categories. A rating system similar to the BBBEE scorecard was suggested to identify more or less disabling types of disability.
- The impact of disability on the performance of a person with disabilities was not clarified in the definition. This comment was reasonable considering that the definition was intended to be related to employment.
- Examples of the different categories of disabilities could be provided.
- The following alternative definitions were suggested by respondents, namely:
  - People who have a long-term or recurring physical or mental impairment that substantially limits their normal functioning and limits their prospects of entry into or advancement in employment.
  - People who have a long-term or recurring physical, intellectual, sensory or psychiatric impairment which, without the necessary human assistance and guidance, assistive devices or adaptation to the activity itself, substantially limit their participation in activities of daily living e.g. work, personal care, mobility, communication, finances and leisure activities.
  - People who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into performance and/or advancement in employment.

- People who have permanent or recurring physical or mental impairment which, through discrimination in employment, may limit their prospects of securing employment or career advancement.
- Disability is the loss or elimination of opportunities to take part in community life equitably with others. This is encountered by persons with physical, sensory, psychological, developmental, learning, neurological or other impairments, which may be permanent, temporary or episodic in nature, resulting in activity limitations and participation restrictions with the mainstream society. These barriers may be due to economic, physical, social, attitudinal and/or cultural factors.

In summary, the nature of the comments made by respondents was indicative that the definition of persons with disabilities as set out in section 1 of the EEA was not clear, as the terms used in the definition were not understood. The definition was also not inclusive of all categories of disability. This conclusion contradicts the results of the quantitative questions in this section of the questionnaire (questions 11, 12 and 13). The challenges of accessibility and reasonable accommodation were also raised by a number of disabled respondents as the critical disabler in the work environment. Although this was, strictly speaking, not related to the definition, it became clear that it was a matter of significant importance, and therefore it was also included in this analysis.

In response to question 14, the not disabled respondents largely made comments related to the seeking of clarity and requiring more information, whereas the disabled respondents raised more pertinent shortcomings of the definition.

The suggestions made by respondents to change the definition of persons with disabilities will be consolidated into a single definition as part of the strategy which will be developed and the suggestion made in relation to the inclusion of disability in the BBBEE scorecard will also be considered.

This confirmed the views of Jahiel, 2007 and Albrecht and DeVlieger, 1999 that disability is mostly discussed in terms of function and social labelling but seldom in terms of its relationship to the quality of life of persons with disabilities.

The comments respondents made to question 14 confirmed the conclusion of the abovementioned authors. The raising of the challenges of accessibility and reasonable accommodation relates to the core of the social model of disability (Kaplan date unknown and Olivier 1990)

In considering the abovementioned research results, the constraints to the employment of persons with disabilities which require to be addressed in terms of the strategy to employ persons with disabilities are set out in Table 56 below. The suggested strategic outputs required to mitigate these constraints will be discussed in more detail in the following chapter.

**Table 56: Summary of the constraints identified in relation to the definition of disability**

CONSTRAINT NUMBER	DESCRIPTION OF CONSTRAINTS IDENTIFIED
1.	The definition of “people/ persons with disabilities” for employment purposes is a constraint because it is vague and words used in the definition are unclear.
2.	Accessibility and reasonable accommodation are serious constraints for persons with disability as it prevents them from participating on a more equal footing in the workplace.
3.	Disability is viewed in terms of function and social labelling rather than in terms of its relationship to the quality of life of persons with disability.

### 9.2.2 SECTION 3: USEFULNESS OF THE SOUTH AFRICAN LEGAL AND POLICY FRAMEWORK - QUESTIONS 15 AND 16

The part of the questionnaire relating to the usefulness of the legal and policy framework was divided into two questions (questions 15 and 16). Question 15 consisted of four subquestions of a quantitative nature. Question 16 was an open-ended question which was analysed by using qualitative techniques by means of ATLAS.ti software.

Questions 15 and 16 and its response categories are presented in Table 57 below:

**Table 57: The questions and response categories related to the usefulness of the legal and policy framework**

15	Please indicate to what extent you use the following legislation or policy frameworks to assist you to manage disability in the workplace:							
NO	QUESTION/STATEMENT	RESPONSE						
15.1.	The Constitution.	1 Indicates never.	2	3	4	5	6	7 Indicates always.
15.2.	The Employment Equity Act, 1998 (EEA).	1 Indicates never.	2	3	4	5	6	7 Indicates always.
15.3.	The Integrated National Disability Strategy (INDS).	1 Indicates never.	2	3	4	5	6	7 Indicates always.
15.4.	The Technical Assistance Guidelines (TAG).	1 Indicates never.	2	3	4	5	6	7 Indicates always.
16.	Please indicate which areas you would want to see amended or extended in the legislation and policies? (Open text)							

The results are presented in Table 58 below:

**Table 58: Responses to question 15 grouped into three categories indicating disagreement, neutrality and agreement with each statement**

Question	DISABLED			NOT DISABLED			COMBINED		
	Not at all	Neutral	Fully	Not at all	Neutral	Fully	Not at all	Neutral	Fully
15.1.	12 36%	8 24%	13 39%	11 24%	10 22%	24 53%	23 29%	18 23%	37 47%
15.2.	9 27%	9 27%	15 45%	4 9%	5 11%	36 80%	13 17%	14 18%	51 65%
15.3.	14 42%	9 27%	10 30%	21 47%	9 20%	15 33%	35 45%	18 23%	25 32%
15.4.	14 42%	10 30%	9 27%	20 44%	7 16%	18 40%	34 44%	17 22%	27 35%

**Question 15.1 (Extent to which the Constitution is used to assist to manage disability in the workplace)**

The responses of the disabled group of respondents varied to a large extent and 12 (36%) of the disabled respondents indicated that the Constitution, 1996 did not assist in dealing with disability management issues while 13 (39%) indicated that the Constitution, 1996 assisted to manage disability in the workplace. Furthermore 8 (24%) disabled respondents indicated a neutral response.

The not disabled response group had 24 (53%) respondents indicating that the Constitution, 1996 assisted while 11 (24%) indicated that the Constitution, 1996 did not assist. A total of 10 (22%) not disabled respondents stated that it sometimes assisted to manage disability in the workplace.

A number of 6 (8%) respondents did not complete this question.

**Question 15.2 (Extent to which the EEA is used to assist to manage disability in the workplace)**

Persons with disabilities responded in a similar manner in respect of the EEA as they responded in respect of the Constitution, 1996 in question 15.1 above. Of the not disabled respondents however, 36 (80%) responded that the EEA was helpful while only 4 (9%) stated that the EEA was not helpful in dealing with disability management issues.

A number of 5 (6%) respondents did not complete this question.

**Question 15.3 (Extent to which the INDS is used to assist to manage disability in the workplace)**

Eleven (11 - 33%) disabled respondents indicated that the INDS (1997) was “never” used, followed by 9 (27%) who responded that they used it “sometimes”. From the not disabled group, 10 (22%) respondents indicated that the INDS (1997) was “almost always” used followed by 9 (20%) respondents who indicated that it was

used “sometimes”. In combining the disabled and not disabled groups of respondents it was determined that 19 (24%) respondents indicated that it was “never” used followed by 18 (23%) indicating that it was “sometimes” used.

A number of 6 (8%) respondents did not complete this question.

#### **Question 15.4 (Extent to which the TAG is used to assist to manage disability in the workplace)**

According to the responses of 12 (36%) disabled respondents the TAG “never” assisted in dealing with disability management in the workplace, followed by 10 (30%) respondents who indicated that it “sometimes” assisted in dealing with disability management in the workplace. The grouping of the response categories indicated that 9 (27%) not disabled respondents used the TAG to different degrees while 14 (42%) respondents did not use it.

The responses of not disabled respondents were fairly evenly distributed in terms of having used the TAG or not. The grouping of respondents indicated that 20 (44%) respondents did not find the TAG useful while 18 (40%) found it useful and 7 (16%) not disabled respondents submitted a neutral response.

The combining of the disabled and not disabled response groups confirmed that most respondents, namely 34 (44%) indicated that the TAG was never used, 17 (22%) indicated that it was sometimes used and 27 (35%) indicated that it was helpful in managing disability in the workplace.

A number of 6 (7%) respondents did not complete this question.

The means for the relevant questions are presented in Table 59 below:

**Table 59: Means of questions 15.1 to 15.4 related to respondents' views concerning the usefulness of the legal and policy framework**

QUESTION	N	MEAN
15.1.	78	4,47436
15.2.	78	4,87179
15.3.	78	3,66667
15.4.	78	3,60256

It is observed from Table 59 above that the mean of the responses to questions 15.1 to 15.4 were below 5 which indicated that the Constitution, 1996 and other policy documents were not regarded as being sufficiently useful to assist in managing disability in the workplace.

The Constitution, 1996 is the foundation on which disability management is built. It provides the reasons why disability management must be prioritised as a basic right of persons with disabilities, why discrimination against persons with disabilities must be prevented and why previously disadvantaged individuals (including persons with disabilities) must be affirmed. The lack of usefulness of these important documents is, therefore, regarded as a constraint which should be included in the strategy to employ persons with disabilities.

**Question 16 (Indication of the areas respondents would like to have amended or extended in the legislation and policies)**

The qualitative analysis of the responses to question 16 (utilising ATLAS.ti) identified six constraints. These constraints and the reasons why they are seen as constraints by respondents are discussed below:

- Reasonable accommodation and environmental accessibility is a constraint in the employment of persons with disabilities for the following reasons:
  - A national guideline/policy on reasonable accommodation especially assistive devices and environmental accessibility is required to demystify the matter.

- The definitions of "reasonable accommodation" and "unjustifiable hardship" as stated in the "Code of Good Practice: Key Aspects on the Employment of People with Disabilities" are vague and allow employers to avoid this responsibility. Steps must also be taken to ensure that all new buildings and existing buildings are accessible to persons with disabilities at the point of considering the approval of building plans.
- Strict enforcement of the NBR must take place accompanied by the issuing of fines and withdrawal of approval if access is not provided.
- Reasonable accommodation and easy access to venues should be provided when interviews for employment are conducted with persons with disabilities.
- Lack of enforcement of legislation and policies.
- Policies are unclear, not user friendly and require improvement and the reason for identifying this constraint is the lack of clarity of the definition of persons with disabilities and the various categories of disability.
- The focus is more on legislation and policy development rather than on actual implementation and this constrains the employment of persons with disabilities.
- Clear targets for employment of persons with disabilities have not been set and is identified as a constraint for the following reasons:
  - Black people are "historically disadvantaged individuals" but people with disabilities have on-going struggles with thoughtlessness and discrimination and should be regarded as "continuously disadvantaged".
  - There should be no upper limit targets to employing persons with disabilities.
  - The targets set should be enforced.
- Human resource management practitioners lack knowledge of disability management and this was identified as a constraint for the following reasons:
  - Human resource management practitioners were not trained on disability management.
  - A number of respondents also stated that they have limited knowledge of the legislation and policy framework.
  - Clarity on the responsibility of an employee to assist a disabled co-worker was raised as information that was required.
  - Guidelines should assist to clarify matters of reasonable accommodation.

In summary, environmental accessibility and reasonable accommodation were again raised as paramount issues when considering the legislative and policy framework. It was indicated that the legislation and policies were not clear, not appropriate or not enforced. The need for comprehensive legislation has also been raised. The purposive sample of persons who have knowledge and experience of disability management has also brought the need for training on the legislative and policy framework to the attention. It was also raised that focus should be on implementation and enforcement of existing policies and laws rather than on developing new policies and legislation.

South Africa has signed the ICRPD as discussed in Chapter 4 (par 4.4). Article 27 of the ICRPD calls on state parties to recognise the rights of persons with disabilities to work with others on an equal basis. The ICRPD requires state parties to safeguard and promote the realisation of the right to work by prohibiting discrimination, protect the rights of persons with disabilities and ensure that they are able to exercise their labour and trade union rights, amongst others. The discussion of the South African disability management framework in Chapter 5 concluded that South Africa is largely compliant with the ICRPD. The South African Government continues to improve the implementation of the disability management framework. However, it is further concluded that persons with disabilities, managers and human resource management practitioners do not utilise the disability management framework. This conclusion exposes two areas, namely lack of knowledge by critical role players and poor enforcement by top management.

In considering the abovementioned research results, the constraints to the employment of persons with disabilities which need to be addressed in terms of the strategy to employ persons with disabilities, are presented in Table 60 below. The strategic outputs suggested to mitigate these constraints, will be discussed in more detail in the following chapter.

**Table 60: Summary of the constraints identified in relation to the usefulness of the legal and policy framework**

CONSTRAINT NUMBER	DESCRIPTION OF CONSTRAINTS IDENTIFIED
4.	The Constitution, 1996, EEA, INDS and TAG are not sufficiently useful to manage disability in the workplace.
5.	The South African legislative and policy framework were hardly ever used to assist with disability management.
6.	Reasonable accommodation and environmental accessibility not clearly described in policy guidelines.
7.	Lack of focus on the employment of persons with disabilities.
8.	Unfair targets to employ persons with disabilities as they are continuously disabled.

### 9.2.3 SECTION 4: GENERAL PERCEPTIONS - QUESTIONS 17 TO 27

The section of the questionnaire relating to general perceptions concerning persons with disabilities was divided into 11 quantitative questions.

Questions 17 to 27 and their response categories read as follows:

**Table 61: The question and response categories related to general perceptions.**

NO	QUESTION/STATEMENT	RESPONSE							
		1	2	3	4	5	6	7	
17.	Employees with disabilities generally are able to work as well as any other employee.	Indicates strong disagreement.							Indicates strong agreement.
18.	Employees with disabilities are able to do physically strenuous work.	Indicates strong disagreement.							Indicates strong agreement.



19.	Employees with disabilities are difficult to manage.	1 Indicates strong disagreement.	2	3	4	5	6	7 Indicates strong agreement.
20.	Employees with disabilities require special attention from their supervisors.	1 Indicates strong disagreement.	2	3	4	5	6	7 Indicates strong agreement.
21.	It is more expensive to employ employees with disabilities than any other employee.	1 Indicates strong disagreement.	2	3	4	5	6	7 Indicates strong agreement.
22.	Employees with disabilities are absent from work due to illness more often than other employees.	1 Indicates strong disagreement.	2	3	4	5	6	7 Indicates strong agreement.
23.	Employers are not willing to employ persons with disabilities.	1 Indicates strong disagreement.	2	3	4	5	6	7 Indicates strong agreement.
24.	Workplaces are not friendly towards disabled persons.	1 Indicates strong dis-	2	3	4	5	6	7 Indicates strong agree-

		agree- ment.							ment.
25.	A CV indicating that a job applicant is disabled is not properly considered.	1 Indi- cates strong dis- agree- ment.	2	3	4	5	6	7 Indi- cates strong agree- ment.	
26.	Organisations ignore disability management issues because it conflicts with business objectives.	1 Indi- cates strong dis- agree- ment.	2	3	4	5	6	7 Indi- cates strong agree- ment.	
27.	Organisations encourage managers to ignore disability issues because it conflicts with business objectives.	1 Indi- cates strong dis- agree- ment.	2	3	4	5	6	7 Indi- cates strong agree- ment.	

The results are presented in Table 62 below:

**Table 62: Responses to questions 17 to 27 grouped into three categories indicating disagreement, neutrality and agreement with each statement**

Question	DISABLED			NOT DISABLED			COMBINED		
	Disagree- ment	Neutral	Agree- ment	Disagree- ment	Neutral	Agree- ment	Disagree- ment	Neutral	Agree- ment
17.	34 89%	1 2%	3 8%	37 80%	1 2%	8 17%	71 85%	2 2%	11 13%

Question	DISABLED			NOT DISABLED			COMBINED		
18.	14 37%	10 26%	14 37%	10 22%	13 28%	23 50%	24 29%	23 27%	37 44%
19.	34 89%	1 3%	3 8%	35 76%	5 11%	6 13%	69 82%	6 7%	9 11%
20.	20 53%	3 8%	15 39%	23 50%	6 13%	17 37%	43 51%	9 11%	32 38%
21.	28 74%	4 11%	6 16%	18 39%	8 17%	20 43%	46 55%	12 14%	26 31%
22.	24 63%	6 16%	8 21%	32 70%	7 15%	7 15%	56 67%	13 15%	15 18%
23.	2 5%	5 13%	31 82%	7 15%	7 15%	32 70%	9 11%	12 14%	63 75%
24.	2 5%	1 3%	35 92%	2 4%	8 17%	36 78%	4 5%	9 11%	71 85%
25.	3 8%	5 13%	30 79%	16 35%	13 28%	17 37%	19 23%	18 21%	47 56%
26.	2 5%	7 18%	29 76%	13 18%	12 26%	21 46%	15 18%	19 23%	50 60%
27.	7 18%	14 37%	17 45%	26 57%	8 17%	12 26%	33 39%	22 26%	29 35%

**Question 17 (Employees with disabilities generally are able to work as well as any other employee)**

It is observed from Table 62 that a total of 19 (50%) disabled respondents indicated strong agreement with the statement that employees with disabilities were able to work as well as any other employee. Should the categories be divided into the “agreement” and “disagreement” categories it is observed that of all respondents, 34 (89%) agreed while 3 (8%) disagreed.

A total of 18 (39%) not disabled respondents indicated a lesser “agreement” with the statement. Should the categories be divided as indicated above, 37 (80%) respondents disagreed while 8 (17%) fell into the agreement category.

Most respondents, (29 – 35%) indicated “strong agreement” with the statement. Should the categories be divided as indicated above, 71 (85%) respondents agreed while 11 (13%) disagreed.

### **Question 18 (Employees with disabilities are able to do physically strenuous work)**

From Table 62 it is observed that 10 (26%) disabled respondents submitted a neutral response. A total of 14 (37%) disabled respondents agreed while 14 (37%) disagreed.

Of the not disabled respondents, 13 (28%) indicated a neutral response, while 10 (22%) respondents agreed and 23 (50%) disagreed that employees with disabilities are able to do physically strenuous work.

Overall, a total of 23 (27%) respondents submitted a neutral response, and 24 (29%) respondents agreed while 37 (44%) disagreed.

### **Question 19 (Employees with disabilities are difficult to manage)**

From Table 62 it is observed that 3 (8%) disabled respondents agreed while 34 (89%) disagreed with the statement.

It is also observed that 6 (13%) not disabled respondents disagreed while 35 (76%) agreed.

Overall, the most respondents (69 – 82%) disagreed with the statement that employees with disabilities are difficult to manage.

**Question 20 (Employees with disabilities require special attention from their supervisors)**

From Table 62 it is observed that the responses of disabled and not disabled respondents are spread fairly evenly amongst the seven response categories. Overall, the most respondents (43 – 51%) disagreed with the statement that employees with disabilities require special attention from their supervisors while 32 (38%) respondents agreed with the statement that they do require special attention from their supervisors.

**Question 21 (It is more expensive to employ employees with disabilities than any other employee)**

From Table 62 it is observed that 6 (16%) disabled respondents agreed while 28 (74%) disagreed.

It is further observed that 20 (43%) not disabled respondents agreed while 18 (39%) disagreed.

Overall, the majority of respondents (46 – 55%) indicated their disagreement with the statement while 26 (31%) respondents agreed.

**Question 22 (Employees with disabilities are absent from work due to illness more often than other employees)**

It is observed from Table 62 that 8 (21%) disabled respondents agreed while 24 (63%) disagreed with the statement.

It was further observed that 7 (15%) not disabled respondents agreed while 32 (70%) disagreed.

Overall, 15 (18%) respondents agreed, while 56 (67%) disagreed that employees with disabilities are absent from work more often than other employees.

### **Question 23 (Employers are not willing to employ persons with disabilities)**

From Table 62 it is observed that a total of 31 (82%) disabled respondents agreed while 2 (5%) disagreed with the statement that employers are not willing to employ persons with disabilities.

It was also observed that 32 (70%) not disabled respondents agreed while 7 (15%) disagreed.

Overall, 63 (75%) respondents agreed that employers are not willing to employ persons with disabilities.

### **Question 24 (Workplaces are not friendly towards persons with disabilities)**

It was observed from Table 62 that 35 (92%) disabled respondents agreed while 2 (5%) disagreed with the statement that workplaces are not friendly towards persons with disabilities.

Thirty six (36 - 78%) not disabled respondents agreed, while 2 (4%) disagreed.

Overall, 71 (85%) respondents agreed with the statement that workplaces are not friendly towards persons with disabilities.

### **Question 25 (A CV indicating that a job applicant is disabled, is not properly considered)**

In this case it is observed from Table 62 that a total of 30 (79%) disabled respondents agreed while 3 (8%) disagreed with the statement that a CV indicating that a job applicant is disabled is not properly considered.

Almost one-third (13 – 28%) not disabled respondents indicated a neutral response while 17 (37%) not disabled respondents agreed while 16 (35%) disagreed.

Overall the majority of respondents (47 – 56%) indicated “agreement” while 19 (23%) disagreed with the statement that a CV of a disabled job applicant is not properly considered.

**Question 26 (Organisations ignore disability management issues because it conflicts with business objectives)**

From Table 62 it is observed that 29 (76%) disabled respondents agreed with the statement that organisations ignore disability management issues because it conflicts with business objectives while 2 (5%) disagreed.

It is further observed that 21 (46%) not disabled respondents agreed, while 13 (28%) disagreed with the statement.

Overall, the majority (50 - 60%) of respondents agreed while 15 (18%) disagreed that organisations ignore disability issues because it conflicts with business objectives. Nineteen (19 - 23%) of the overall responses indicated a neutral response.

**Question 27 (Organisations encourage managers to ignore disability issues because it conflicts with business objectives)**

From Table 62 it is observed that 14 (37%) disabled respondents indicated a neutral response. It is further observed that 17 (45%) respondents agreed while 7 (18%) disagreed. Fourteen (14 - 37%) disabled respondents indicated a neutral response.

In the instance of not disabled respondents, 12 (26%) agreed, while 26 (57%) disagreed.

Overall, 29 (35%) respondents agreed while 33 (39%) disagreed that organisations encourage managers to ignore disability issues because it conflicts with business objectives. A total of 22 (26%) respondents indicated a neutral response.

The means for section 4 of the questionnaire are presented in Table 63 below.

**Table 63: Means of questions 17 to 27 related to respondents' views regarding general perceptions**

QUESTION	N	MEAN
17.	84	5,57143*
18.	84	3,84524*
19.	84	2,36905
20.	84	3,55952
21.	84	3,27381
22.	84	2,79762
23.	84	5,28571
24.	84	5,55952
25.	84	4,69048
26.	84	4,80952
27.	84	3,88095

From Table 63 it is observed that the mean of the scores to question 17 (5,57143) is above 5. A positive perception therefore exists that employees with disabilities work as well as any other employee. This perception was therefore not identified as a constraint.

The mean of the scores to question 18 (3,84524) is below 5 and indicates that a perception exists that employees with disabilities are not able to do physically strenuous work. This perception was therefore identified as a constraint to the employment of persons with disabilities. It is interesting to note that both groups of respondents responded similarly to this question, leading to a conclusion that both response groups have a perception that persons with disabilities are not able to do physically strenuous work. A perception like this is likely to cause persons with disabilities not to apply for work which is physically strenuous and for employers not to consider the CV of a person with disabilities. A proper job match should rather be performed before it is decided whether a person with disabilities can perform the work or not. Considering the high percentage of persons with disabilities in the “unschooled” category of the South African labour market as discussed in Chapter 6, this perception is a constraint in the employment of persons with disabilities.

Responses to questions 19 to 27 required careful interpretation since the questions were phrased differently (negatively) from the positively stated questions so far. The nature of these questions was also complicated. The negatively stated questions (questions 19 to 27) had to be interpreted inversely from the positively stated questions. A mean score higher than 3 in respect of any of these questions would, therefore, indicate that the perception is a constraint and should be included in the strategy to employ persons with disabilities.

The mean for question 19 is below 3 (2,36905) which, when interpreted inversely, indicates that the perception that employees with disabilities are difficult to manage, was not identified as a constraint to the employment of persons with disabilities.

The mean for question 20 is above 3 (3,55952) which, when interpreted inversely, indicates that the perception that employees with disabilities require special attention from their supervisors was identified by respondents as a constraint to the employment of persons with disabilities.

The mean for question 21 is above 3 (3,27381) which, when interpreted inversely, indicates that the perception that it is more expensive to employ persons with

disabilities than any other employee, was identified by respondents as a constraint to the employment of persons with disabilities.

The mean for question 22 is below 3 (2,79762) which, when interpreted inversely, indicates that the perception that employees with disabilities are absent from work due to illness more often than other employees, was not identified by respondents as a constraint to the employment of persons with disabilities.

The mean for question 23 is above 3 (5,28571) which, when interpreted inversely, indicates that the perception that employers are not willing to employ persons with disabilities was identified by respondents as a constraint to the employment of persons with disabilities.

The mean for question 24 is above 3 (5,55952) which, when interpreted inversely, indicates that the perception that workplaces are not friendly towards disabled persons, was identified by respondents as a constraint to the employment of persons with disabilities.

The mean for question 25 is above 3 (4,69048) which, when interpreted inversely, indicates that the perception that employers do not properly consider a CV indicating that a job applicant is disabled, was identified by respondents as a constraint to the employment of persons with disabilities.

The mean for question 26 is above 3 (4,80952) which, when interpreted inversely, indicates that the perception that organisations ignore disability management issues because it conflicts with business objectives, were identified by respondents as a constraint to the employment of persons with disabilities.

The mean for question 27 is above 3 (3,88095) which, when interpreted inversely, indicates that the perception that organisations encourage managers to ignore disability issues because it conflicts with business objectives, was identified by respondents as a constraint to the employment of persons with disabilities.

The definition of Jahiel (2007) as discussed in Chapter 2 defined disability as the “set of limits imposed by the interaction of the social and physical environment...”. Throughout the research the environmental accessibility and reasonable accommodation have been raised by respondents which essentially relates to the “physical environment” referred to by Jahiel. The “social environment” refers to the manner in which other people respond to persons with disabilities in normal life. Perceptions are a significant determinant in this regard. Within the South African context of a complex political history, perceptions are a very important aspect of daily living. Section 9 of the Constitution, 1996, PEPUDA and the EEA have been enacted to deal with discrimination. Perceptions originate within the model of disability as discussed in Chapter 3. Kaplan date unknown, Kluth 2006, and Albert 2004 and others identified several disability models of which the medical model and the social model are the most prominent. The social model specifically emphasises the human rights based approach which views persons with disabilities as subjects and not as objects and moving away from viewing persons with disabilities as problems to viewing them as rights holders (Waddington 1995:6, INDS 1997:11, Quinn and Degener 2002:10). The fact that the South African legislative framework prohibits discrimination against persons with disabilities but the key role players who should implement it, is not aware of it and therefore does not implement it nullifies the effects of the said legislative framework.

In summary, the abovementioned research results identified perceptions which are constraints to the employment of persons with disabilities and the perceptions need to be addressed in terms of the strategy to employ persons with disabilities. These perceptions are set out in Table 64 below. The strategic output required to mitigate these constraints will be discussed in more detail in the following chapter.

**Table 64: Summary of the constraints identified in relation to the general perceptions**

CONSTRAINT NUMBER	DESCRIPTION OF CONSTRAINTS IDENTIFIED
9.	<p>Respondents identified the following general perceptions as constraints:</p> <ul style="list-style-type: none"> <li>➤ Employees with disabilities are not able to do physically strenuous work.</li> <li>➤ Employees with disabilities require special attention from their supervisors.</li> <li>➤ Employees with disabilities are more expensive to employ than any other employee.</li> <li>➤ Employers are not willing to employ persons with disabilities.</li> <li>➤ Workplaces are not friendly towards disabled persons.</li> <li>➤ A CV indicating that a job applicant is disabled is not properly considered by organisations.</li> <li>➤ Organisations ignore disability management issues because it conflicts with business objectives.</li> <li>➤ Organisations encourage managers to ignore disability issues because it conflicts with business objectives.</li> </ul>

**9.2.4 SECTION 5: AVAILABILITY OF DISABILITY MANAGEMENT POLICY, CAPACITY AND COMMITMENT OF KEY ROLE-PLAYERS IN RESPONDENTS' ORGANISATION - QUESTIONS 28 – 35**

The part of the questionnaire related to the availability of disability management policy and capacity in respondents' organisations was divided into 14 questions of a quantitative nature. Questions 28 to 34 (7 questions) and its response categories are presented in Table 65 below:

**Table 65: Questions and response categories related to the availability of disability management policy and capacity in respondents' organisations**

NO	QUESTION/STATEMENT	RESPONSE						
		1	2	3	4	5	6	7
28.	Does your organisation have approved and clear written policies or guidelines on employing employees with disabilities?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
29.	Do you use the policy or written guidelines to guide your disability management related decisions at work?	1 Indicates not at	2	3	4	5	6	7 Indicates com-

		all.						pletely/ fully.
30.	Does your organisation have a disability office or a disability ombudsman to whom employees can report suspected discrimination or receive advice about disability issues?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
31.	Does your HR department act as the primary resource for your organisation's disability initiative?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
32.	Are HR professionals involved in formulating disability management policies for your organisation?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
33.	Are the individuals responsible for managing the disability programme in your organisation qualified and experienced for the task?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
34.	Do employees know who to contact when requiring information on disability management?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.

The results are presented in Table 66 below:

**Table 66: Responses to questions 28 to 34 grouped into three categories indicating disagreement, neutrality or agreement with each statement**

Question	DISABLED			NOT DISABLED			COMBINED		
	Not at all	Neutral	Fully	Not at all	Neutral	Fully	Not at all	Neutral	Fully
28.	11 32%	3 9%	20 59%	13 29%	4 9%	28 62%	24 30%	7 9%	48 61%
29.	18 53%	2 6%	14 41%	17 38%	7 16%	21 47%	35 44%	9 11%	35 44%
30.	18 53%	0	16 47%	28 62%	3 7%	14 31%	46 58%	3 4%	30 38%
31.	11 32%	5 15%	18 53%	15 33%	5 11%	25 56%	26 33%	10 13%	43 54%
32.	13 38%	8 24%	13 38%	14 31%	7 16%	24 53%	27 34%	15 19%	37 47%
33.	18 53%	2 6%	14 41%	19 42%	8 18%	18 40%	37 47%	10 13%	32 41%
34.	14 41%	4 12%	16 47%	16 36%	8 18%	21 47%	30 38%	12 16%	37 47%

**Question 28 (Does your organisation have approved and clear written policies or guidelines on employing employees with disabilities?)**

It is observed from Table 66 that a total of 20 (59%) disabled respondents agreed while 11 (32%) disagreed with the statement that their organisations have policies in place.

Twenty eight (28 - 62%) not disabled respondents agreed that their organisations have policies in place while 13 (29%) disagreed with the statement.

Overall, 48 (61%) respondents agreed with the statement that their organisations have policies in place while 24 (30%) indicated to the contrary.

**Question 29 (Do you use the policy or written guidelines to guide your disability management related decisions at work?)**

It is observed from Table 66 that 18 (53%) disabled respondents indicated that they do not use the policies or written guidelines to guide disability management related decisions while 14 (41%) indicated that they use such policies or guidelines.

A total of 21 (47%) not disabled respondents indicated that they use such policies or written guidelines while 17 (38%) indicated that they do not use such documents.

Overall, the respondents were evenly divided as 35 (44%) respondents revealed that they use such policies or written guidelines while 35 mentioned that they do not use such documents.

**Question 30 (Does your organisation have a disability office or a disability ombudsman to whom employees can report suspected discrimination or receive advice about disability issues?)**

It is observed from Table 66 that a total of 18 (53%) of disabled respondents do not have a disability ombudsman in the organisations that they work for while 16 (47%) have an ombudsman. According to the not disabled group, 28 (62%) do not have a disability ombudsman while 14 (31%) have such a person in the organisation that they work for.

The overall responses showed that 46 (58%) respondents do not have a disability ombudsman while 30 (38%) indicated that they have one in the organisation that they work for.

**Question 31 (Does your HR department act as the primary resource for your organisation's disability initiative?)**

It is observed from Table 66 that overall, 43 (54%) respondents indicated that their human resource management components act as the primary resource of the

organisations' disability initiative while 26 (33%) indicated that they do not act as such.

**Question 32 (Are HR professionals involved in formulating disability management policies for your organisation?)**

It is observed from Table 66 that overall, 37 (47%) respondents indicated that human resource management professionals are involved in the formulation of disability management policies for their respective organisations, while 27 (34%) indicated that they are not sufficiently involved.

**Question 33 (Are the individuals responsible for managing the disability programme in your organisation qualified and experienced for the task?)**

It is observed from Table 66 that overall, 37 (47%) respondents indicated that those individuals who are responsible for managing the disability programme in their respective organisations are not qualified for and experienced in the task while 32 (41%) stated that they are qualified and experienced.

**Question 34 (Do employees know who to contact when requiring information on disability management?)**

It is observed from Table 66 that overall, the outcome of the responses to this question is that 37 (47%) respondents mentioned that they know whom to contact when requiring information on disability management while 30 (38%) did not know.

**Question 35**

Questions 35.1 to 35.7 (7 questions) and its response categories are presented in Table 67 below:

**Table 67: The questions and response categories related to the commitment of key role players to disability management**

35.	To what extent are the following key people in your organisation committed to disability management? Tick only the positions relevant to your organisation.							
35.1.	CEO/Director-General/Top Management.	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
35.2.	Senior management.	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
35.3.	Middle management.	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
35.4.	Direct supervisor.	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
35.5.	Subordinates.	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
35.6.	Peers.	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
35.7.	Other employees.	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.

The responses were tabulated as follows:

**Table 68: Responses to question 35 grouped into three categories indicating disagreement, neutrality and agreement with each statement**

QUESTION	DISABLED			NOT DISABLED			COMBINED		
	Not at all	Neutral	Fully	Not at all	Neutral	Fully	Not at all	Neutral	Fully
35.									
35.1.	8 36%	4 18%	10 45%	11 33%	2 6%	20 61%	19 35%	6 11%	30 55%
35.2.	11 50%	2 9%	9 41%	11 33%	4 12%	18 55%	22 40%	6 11%	27 49%
35.3.	9 41%	5 23%	8 36%	12 36%	7 21%	14 42%	21 38%	12 22%	22 40%
35.4.	6 27%	5 23%	11 50%	15 45%	3 9%	15 45%	21 38%	8 15%	26 47%
35.5.	9 41%	3 14%	10 45%	12 36%	7 21%	14 42%	21 38%	10 18%	24 44%
35.6	8 36%	5 23%	9 41%	11 33%	7 21%	15 45%	19 35%	12 22%	24 44%
35.7.	8 36%	9 41%	5 23%	11 33%	10 30%	12 36%	19 35%	19 35%	17 31%

### Question 35 (Commitment of key role player to disability management)

It is observed from Table 68 that overall, 50% or less of the disabled respondents indicated that the various strategic role-players as listed in question 35.1. to 35.7 are fully committed to disability management. Between 9% and 41% of disabled respondents had a neutral response, which is significant because a neutral response is indicative of doubt whether there is commitment or not. Commitment is important to make an impact in challenging situations and their responses indicate that persons with disabilities generally view the commitment as lacking.

Twenty (20 - 61%) not disabled respondents responded that the “CEO/Director-General/Top Management” is fully committed to disability management. The responses in respect of the other role-players are significantly lower.

The means of questions 28 to 35.7 are presented in Table 69 below.

**Table 69: Means of questions 28 to 35.7 related to respondents’ views regarding the availability of disability management policy and capacity and the commitment of key role-players in respondents’ organisations**

QUESTION	N	MEAN
28.	79	4,63291
29.	79	4,02532
30.	79	3,43038
31.	79	4,36709
32.	79	4,12658
33.	79	3,81013
34.	79	4,10127
35.1.	55	4,70909
35.2.	55	4,18182
35.3.	55	4,07273

QUESTION	N	MEAN
35.4.	55	4.12727
35.5.	55	3.96364
35.6.	55	4.10909
35.7.	55	3.94545

It is observed from Table 69 that the means of all these questions are below 5 which are indicative that disability management policy and capacity were not available in respondents' organisations. Based on the interpretation key, whereas the respective means of questions 28 to 35.7 is below 5, these are constraints to the employment of persons with disabilities including the commitment of key people in organisations.

The INDS (1997) follows a socio-political approach to disability management which determines that disability is located in the social environment, but within a supportive political environment. Persons with disabilities can actively contribute to changing the social construct by advocating and lobbying in the political domain for improvements in their material and legal situation.

From the abovementioned research results it is evident that employers are not institutionalising disability management within organisations and the political environment in South Africa does not substantially support the process of disability management.

Chapter III of the EEA requires of designated employers to implement affirmative action measures which, if implemented, would have addressed constraint 10, 11 and 12 directly. Constraints 13 to 17 are practical measures which would assist employers to implement disability management.

In considering the abovementioned research results, the constraints to the employment of persons with disabilities that need to be addressed in terms of the strategy to employ persons with disabilities, are set out in Table 70 below. The strategic output required to mitigate these constraints will be discussed in more detail in the following chapter.

**Table 70: Constraints identified in relation to the availability of disability management policy, capacity and commitment of key role-players in respondents' organisations**

CONSTRAINT NUMBER	DESCRIPTION OF CONSTRAINTS IDENTIFIED
10.	Organisations do not have approved and clear written policies or guidelines on employing employees with disabilities.
11.	Existing policy or written guidelines are not utilised to guide disability management related decisions at work.
12.	Organisations do not have a disability office or a disability ombudsman to whom employees can report suspected discrimination or receive advice about disability issues.
13.	HR departments do not act as the primary resource for the disability initiative of organisations.
14.	HR professionals are not involved in formulating disability management policies for their organisations.
15.	Individuals responsible for managing the disability programme in organisations are not qualified and experienced for the task.
16.	Employees do not know who to contact when requiring information on disability management.
17.	The following key people in organisations are not sufficiently committed to disability management: <ul style="list-style-type: none"> <li>➤ CEO/Director-General/Top Management.</li> <li>➤ Senior management.</li> <li>➤ Middle management.</li> <li>➤ Subordinates.</li> <li>➤ Peers.</li> <li>➤ Other employees.</li> </ul>

#### 9.2.5 SECTION 6: PREVALENCE OF EMPLOYEES WITH DISABILITIES - QUESTIONS 36 TO 39

The part of the questionnaire related to the prevalence of employees with disabilities and existing recruitment practices in respondents' organisations, was divided into 5 questions and 7 subquestions. Questions 36 to 39 and their response categories are presented in Table 71 below:

**Table 71: Questions and response categories related to the prevalence of employees with disabilities in respondents' organisations**

NO	QUESTION/STATEMENT	RESPONSE		
36.	How many employees does your organisation employ?	Number.	<input type="text"/>	
37.	How many employees with disabilities does your organisation employ?	Number.	<input type="text"/>	
38.	How many NEW employees with disabilities did your organisation employ in the past 12 months?	Number.	<input type="text"/>	
39.	How many employees employed by your organisation are?	Sight disabled.	<input type="text"/>	
		Intellectually disabled.	<input type="text"/>	
		Emotionally disabled.	<input type="text"/>	
		Hearing disabled.	<input type="text"/>	
		Communication disabled.	<input type="text"/>	
		Physically disabled.	<input type="text"/>	
		Other.	<input type="text"/>	

It is observed from Table 71 that the questions do not relate to the constraints in employing persons with disabilities but rather to the prevalence of persons with disabilities. Practically, the nature of the responses made it very difficult to analyse the responses and obtain meaningful results. Some respondents did also not have this detailed information and could therefore not respond to the questions. From those respondents that did respond, the percentage of employees employed by disabled respondents' organisations was 13% of their total workforce. This is exceptionally high by South African standards due to a number of disabled respondents being employed by organisations specialising in the employment of persons with disabilities. The organisations of not disabled respondents employed significantly fewer disabled employees, namely 4% of their total workforce. Although this percentage was significantly lower than the responses for the disabled group, it was still significantly higher than the South African national average of less than 1% as discussed in Chapters 1 and 6.

The prevalence of persons with disabilities is therefore skewed with the relatively small number of respondents who completed this question. It was therefore decided that the responses to questions 36 to 39 would not be considered.

## Question 40

Question 40 and its response categories are presented in Table 72 below:

**Table 72: Questions and response categories related to the method of recruiting employees with disabilities**

NO	QUESTION/STATEMENT	RESPONSE			
		No.		Yes.	No.
40.	How does your organisation recruit employees with disabilities?	No.		Yes.	No.
		40.1.	No specific effort is made.		
		40.2.	Normal recruitment processes.		
		40.3.	Headhunting.		
		40.4.	Recruitment agencies.		
		40.5.	Recruitment agencies specialising in finding persons with disabilities.		
		40.6.	Adverts in the magazines published by organisations for the disabled?		
		40.7.	Other (describe please).		

### **Question 40.1 (How does your organisation recruit employees with disabilities? - No specific effort is made)**

A total of 13 (34%) disabled respondents indicated that no specific efforts were made to recruit persons with disabilities while 25 (66%) responded that special efforts were made. Of the not disabled respondents, 21 (47%) mentioned that no special efforts were made to recruit persons with disabilities while 24 (53%) indicated that special efforts were indeed made.

### **Question 40.2 (How does your organisation recruit employees with disabilities? - Normal recruitment processes)**

Seventeen (17 - 45%) disabled respondents responded that normal recruitment processes were followed while 21 (55%) responded that such processes were not followed. A total of 28 (62%) not disabled respondents indicated that normal recruitment processes were followed while 17 (38%) responded that normal processes were not followed.

**Question 40.3 (How does your organisation recruit employees with disabilities? – Headhunting)**

In this case, 5 (13%) disabled respondents mentioned that headhunting was used to recruit persons with disabilities while 33 (87%) stated that headhunting was not used. Also, 6 (13%) of not disabled respondents indicated that headhunting was used to recruit persons with disabilities while 39 (87%) responded negatively to this statement.

**Question 40.4 (How does your organisation recruit employees with disabilities? - Recruitment agencies)**

A total of 33 (89%) disabled respondents and 31 (67%) not disabled respondents states that recruitment agencies were not used.

**Question 40.5 (How does your organisation recruit employees with disabilities? - Recruitment agencies specialising in finding persons with disabilities)**

Seven (7 - 18%) disabled respondents indicated that specialised recruitment agencies were used to recruit persons with disabilities while 31 (82%) responded that this was not the case. The not disabled group had a similar response with 8 (18%) respondents indicating that specialised recruitment agencies were used for recruitment while 37 (82%) responded that this was not the case.

**Question 40.6 (How does your organisation recruit employees with disabilities? - Adverts in the magazines published by organisations for the disabled?)**

Here 6 (16%) disabled respondents indicated that adverts were placed in magazines targeting persons with disabilities while 32 (84%) revealed that this was not the case. A similar trend was identified with not disabled respondents of whom 38 (84%)

indicated that adverts were not placed in magazines targeting persons with disabilities.

In considering the trends which became evident in the analysis of the responses to these questions, it would appear as if the organisations to which respondents belong do not have special initiatives in place to recruit persons with disabilities. No identifiable pattern could be distinguished to indicate a recipe for success. The strategy would have to provide strategic direction to the recruitment process since recruitment is the human resource management process which directly impacts on the employment of persons with disabilities.

In considering the abovementioned research results the constraints to the employment of persons with disabilities which requires to be addressed in terms of the strategy to employ persons with disabilities are presented in Table 73 below. The strategic output required to mitigate these constraints will be discussed in more detail in the following chapter.

**Table 73: Constraint identified in relation to the recruitment of persons with disabilities**

CONSTRAINT NUMBER	DESCRIPTION OF CONSTRAINTS IDENTIFIED
18.	Lack of a focused strategy to recruit persons with disabilities.

#### 9.2.6 SECTION 7: HUMAN RESOURCE MANAGEMENT PRACTICES

The part of the questionnaire related to various human resource management practices in respect of respondents' organisations, are divided into the following sections:

Training and Development	Questions 41 to 44
Performance Management	Questions 45 to 49
Recruitment and Selection	Questions 50 to 54
Employee Retention and Exit Management Strategy	Questions 55 to 63
Labour Relations Management Strategy	Questions 64 to 69

## SECTION 7.1: Training and development- Questions 41 to 44

Questions 41 to 44 and their response categories read as follows:

**Table 74: Questions and response categories related to the training and development in respondents' organisations**

NO	QUESTION/STATEMENT	RESPONSE						
41.	Does your organisation provide training in dealing with issues related to the employment of persons with disabilities? If yes, please describe.	Yes. No.						
42.	How often have you used the principles taught in this training to guide your decisions at work?	1 Indicates never.	2	3	4	5	6	7 Indicates always.
43.	Please indicate which areas do you think should be covered in an employment focused disability management training programme?							
44.	Who should undergo this training?	Managers.						
		Middle managers.						
		Lower level.						
		All staff.						
		Other.						

**Question 41 (Does your organisation provide training in dealing with issues related to the employment of persons with disabilities? If yes, please describe)**

Twenty six percent (26%) of disabled respondents indicated that their organisations do provide training in employment of persons with disabilities while 28 (74%) mentioned that such training is lacking. Similarly 16 (35%) of the not disabled respondents indicated that training is provided while 30 (65%) indicated that no training is provided.

The respondents indicating “yes” described the following training programmes which are presented:

- Sensitisation/awareness;

- sign language;
- Braille training;
- orientation and mobility;
- employment equity;
- Constitution, 1996;
- recruitment and selection practice with regard to disabled employees;
- training for HR professionals; and
- communication.

**Question 42 (How often have you used the principles taught in this training to guide your decisions at work?)**

The frequencies of responses to question 42 are presented in Table 75 below:

**Table 75: Frequencies to question 42 indicating how often respondents used the principles taught in disability management training to guide their decisions at work**

CATEGORY	DISABLED		NOT DISABLED		COMBINED	
	FREQUENCY	%	FREQUENCY	%	FREQUENCY	%
1	12	44	19	44	31	44
2	2	7	5	12	7	10
3	2	7	1	2	3	4
4	2	7	4	9	6	9
5	4	15	5	12	9	13
6	2	7	3	7	5	7
7	3	11	5	12	8	11

It is observed from Table 75 that the disabled and not disabled respondents, 12 (44%) and 19 (44%) respectively, indicated that the principles taught in the training are never used. The remainder of the respondents are spread evenly throughout the other response categories.

**Question 43 (Areas to be covered in an employment focused disability management training programme)**

The respondents identified a number of areas that should be covered in an employment focused disability management training programme. These areas are

detailed in Table 76 below and has broadly been categorised into two types of training, namely disability sensitisation and human resource management related.

**Table 76: Areas that should be covered in an employment focused disability management training programme**

TYPE OF TRAINING	AREAS INCLUDED
Disability sensitisation.	<ul style="list-style-type: none"> <li>➤ Total awareness and understanding;</li> <li>➤ dealing with needs of persons with disabilities;</li> <li>➤ awareness of prejudices and stereotypes;</li> <li>➤ assisting persons with disabilities with matters related to transferring to wheelchairs, eating, filing, reaching and lifting items, draining of urinal bags and other physical needs;</li> <li>➤ different types of disabilities and an awareness of the specific individual difficulties experienced by the different types of disability;</li> <li>➤ motivating and inspiring persons with disabilities;</li> <li>➤ responding to emergencies;</li> <li>➤ office etiquette; and</li> <li>➤ time management.</li> </ul>
Human resource management related.	<ul style="list-style-type: none"> <li>➤ Identification of training needs of persons with disabilities;</li> <li>➤ identifying abilities of disabled persons during the recruitment process and thereafter (focussed on senior and middle level managers);</li> <li>➤ medical and psychological testing;</li> <li>➤ confidentiality and disclosure;</li> <li>➤ employment planning and how to improve employment of persons with disability;</li> <li>➤ summary of the TAG, legislation related to disability and employment;</li> <li>➤ exhibition and exposure to assistive devices;</li> <li>➤ assisting with career development of persons with disabilities;</li> <li>➤ performance evaluation - applies to employee as well as his or her supervisor;</li> <li>➤ training that will improve the performance of persons with disabilities;</li> <li>➤ case studies to show that it is not more expensive to employ people with disabilities;</li> <li>➤ independence training, orientation and mobility training, JAWS programme on computer for persons with disabilities;</li> <li>➤ mainstreaming of disability;</li> <li>➤ universal design;</li> <li>➤ good practice; and</li> <li>➤ accessibility.</li> </ul>

**Question 44 (Who should undergo disability management training? – Managers, Middle managers, Lower level, All staff, Other)**

The majority, namely 80 (98%) respondents indicated that “all staff” should attend the training. This overwhelming response should be an indication that training needs do exist and that all staff should be trained to understand disability management better.

In summary, the responses revealed that training was presented in a relatively small number of the respondents’ organisations. The notable area, however, was that the training provided was not utilised in making decisions related to disability management. The research does not clarify the reasons for the phenomena. In speculating about these reasons it could be the following contributing factors:

- The opportunities to utilise the training does not present itself due to the general lack of interest in employing persons with disabilities;
- persons with disabilities do not assert their rights as encapsulated in the Constitution, 1996, the EEA and other policy documents; and
- the work environment has not prioritised this area as a key performance area for managers at the various levels in the organisation.

**SECTION 7.2: Performance management – Questions 45 to 49**

Questions 45 to 49 and their response categories are presented in Table 77 below:

**Table 77: Questions and response categories related to performance management in respondents’ organisations**

NO	QUESTION/STATEMENT	RESPONSE						
		1	2	3	4	5	6	7
45.	To what extent does your organisation have an effective performance management system?	Indicates not at all.						Indicates completely/fully.
46.	To what extent is this performance management system applicable to employees with disabilities?	Indicates not at						Indicates com-

		all.						pletely/ fully.
47.	To what extent are the same performance standards applicable to employees with disabilities and employees who are not disabled?	1 Indi- cates not at all.	2	3	4	5	6	7 Indi- cates com- pletely/ fully.
48.	To what extent are the same rewards given for good performance to employees with disabilities and employees who are not disabled?	1 Indi- cates not at all.	2	3	4	5	6	7 Indi- cates com- pletely/ fully.
49.	Please describe any changes required in the performance management system to accommodate disabled employees more effectively: (open text)							

The responses to questions 45 to 48 are presented in Table 78 below:

**Table 78: Responses to questions 45 to 48 grouped into three categories indicating disagreement, neutrality or agreement with each statement**

QUES- TION	DISABLED			NOT DISABLED			COMBINED		
	Not at all	Neutral	Fully	Not at all	Neutral	Fully	Not at all	Neutral	Fully
45.	7 21%	1 3%	26 76%	10 23%	1 2%	32 74%	17 22%	2 3%	58 75%
46.	12 35%	9 26%	13 38%	10 23%	8 19%	25 58%	22 29%	17 22%	38 43%
47.	9 26%	3 9%	22 65%	9 21%	7 16%	27 63%	18 23%	10 13%	49 64%
48.	9 24%	6 18%	19 56%	8 19%	5 12%	30 70%	17 22%	11 14%	49 64%

The results of question 45 to 48 are discussed below. The results for the disabled and the not disabled groups are combined and not discussed separately throughout this section because the two groups have responded similarly. In those instances

where the two groups responded differently, it will be highlighted in the presentation of the results.

**Question 45 (The extent to which respondents' organisations has an effective performance management system)**

A total of 58 (75%) respondents overall revealed a positive response to the effect that their organisations do have a performance management system in place.

**Question 46 (The extent to which this performance management system is applicable to employees with disabilities)**

In this case, 38 (43%) respondents indicated a positive response, namely that a performance management system was applicable equally while 22 (29%) indicated that it was not the case.

**Question 47 (The extent to which the same performance standards are applicable to employees with disabilities and employees who are not disabled)**

Here 49 (64%) respondents stated that the same performance standards applied to disabled as well as not disabled employees while 18 (23%) respondents indicated that it was not the case.

**Question 48 (The extent to which the same rewards are given for good performance to employees with disabilities and employees who are not disabled)**

A total of 49 (64%) respondents revealed that the same rewards were granted to employees with disabilities and to employees who were not disabled while 17 (22%) respondents revealed that this was not the case.

**Question 49 (Description of changes required to the performance management system to accommodate disabled employees more effectively - open text)**

The qualitative analysis of the responses to question 49 identified eight areas of change required in the performance management system to accommodate disabled employees more effectively. These areas of change are:

- Understanding the difficulties experienced by persons within the various categories of disability. A quadriplegic respondent explained this best by indicating that he cannot be judged on things pertaining to physical actions, yet there is nothing wrong with his brain. He also indicated that he can be judged on par with his peers regarding the work that he does but there are certain things that would take him longer to finalise than it would take a not disabled person.
- More frequent absences impact on achieving performance objectives while performance standards are also ignored once persons with disabilities are absent more frequently. Even though performance standards are met, the frequent absences are mainly held against persons with disabilities.
- Training of managers to manage persons with disabilities. A number of disabled respondents indicated that managers tend to lose objectivity and focus on irrelevant issues and that they adopt a different attitude when dealing with persons with disabilities. A disabled respondent also indicated that managers informed peers: "Look at what Mr Disabled can accomplish and he is in a wheelchair, what's wrong with you?" This results in negativity amongst peers and subordinates and even resentment leading one respondent to indicate that "resentment is the enemy of any disabled person for once these peers and subordinates resent your success, human nature dictates their reluctance in helping you with your physical disabilities. Subtly not helping the disabled person with proper toilet routines, eating and drinking disrupts the disabled person's routine, weaken his body, enforcing illness and absence from work; thus putting the disabled person in a bad image with the employer". The respondents also expressed the necessity to fully understand relevant legislation and guidelines to integrate into a performance management system. Senior managers must undergo training to be sensitive to disability issues, including job profiling and performance

rating when a person with disabilities is present. This must be factored into the performance assessments of the relevant manager.

- Accessibility and reasonable accommodation necessitate that adjustments be made to the work plans of persons with disabilities to accommodate their impairment as part of reasonable accommodation. Provision should be made to allow for adoption of the inherent requirements of the job to suit the disability of the post incumbent. The performance management system should be aligned to the reasonable accommodation process.
- Clear performance standards which is either the same or different for persons with disabilities. Respondents have opposing views on whether the same or different performance standards should be applied to persons with disabilities and not disabled persons. The one view is that adjustments must be made to the work plans of persons with disabilities to accommodate their specific disability. Another view is that no adjustments should be made and that employees should be evaluated on the same performance standard. This matter will thus be addressed in the strategy to employ persons with disabilities.
- Training to persons with disabilities to improve their work performance and improve the support to persons with disabilities.
- Clear performance management policy to clarify the measuring of the performance of persons with disabilities.
- Objective assessment of the performance of persons with disabilities.

In summary, the nature of the responses revealed that confusion exists concerning the human resource management practice of performance management. The manner in which it is applied is therefore regarded as a constraint to the employment of persons with disabilities.

### **SECTION 7.3: Recruitment and selection – Questions 50 to 54**

Questions 50 to 54 and their response categories are presented in Table 79 below:

**Table 79: Questions and response categories related to the recruitment and selection in respondents' organisations**

NO	QUESTION/STATEMENT	RESPONSE						
		1	2	3	4	5	6	7
50.	To what extent does your organisation have an effective recruitment and selection strategy?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
51.	To what extent is the strategy applicable to employees with disabilities?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
52.	To what extent is the same selection criteria applied in the recruitment of employees with disabilities and employees who are not disabled?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
53.	To what extent are the same remuneration package offered to employees with disabilities and employees who are not disabled?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
54.	Please describe any changes in the recruitment and selection strategy which is required to accommodate disabled employees more effectively:							

The responses to questions 50 to 53 are presented in Table 80 below:

**Table 80: Responses to questions 50 to 53 grouped into three categories indicating disagreement, neutrality or agreement with each statement**

QUESTION	DISABLED			NOT DISABLED			COMBINED		
	Not at all	Neutral	Fully	Not at all	Neutral	Fully	Not at all	Neutral	Fully

QUESTION	DISABLED			NOT DISABLED			COMBINED											
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count									
50.	11	32%	9	26%	14	41%	5	11%	4	9%	35	80%	16	21%	13	17%	49	63%
51.	16	47%	10	29%	8	24%	14	32%	10	23%	20	45%	30	38%	20	26%	28	36%
52.	7	21%	9	26%	18	53%	10	23%	7	16%	27	61%	17	22%	16	21%	45	58%
53.	4	12%	9	27%	21	62%	4	9%	5	11%	35	80%	8	10%	14	18%	56	72%

**Question 50 (The extent to which the respondents’ organisations have an effective recruitment and selection strategy)**

It is observed from Table 80 that 14 (41%) of disabled respondents indicated that the organisations they work for do have an effective recruitment and selection strategy in place while 11 (32%) indicated that their organisations do not have such a strategy in place. A relatively high number of 35 (80%) not disabled respondents indicated that their organisations do have an effective recruitment and selection strategy while only 5 (11%) indicated that they do not have one. Overall, 49 (63%) respondents indicated that the organisations they work for do have an effective recruitment and selection strategy in place while 16 (21%) indicated that they do not.

**Question 51 (The extent to which the recruitment and selection strategy is applicable to employees with disabilities)**

It is observed from Table 80 that 8 (24%) disabled respondents mentioned that their organisations’ recruitment and selection strategy was applicable to employees with disabilities while 16 (47%) mentioned that it was inapplicable. Of the disabled respondents, 10 (29%) completed a neutral response to this question. A total of 20 (45%) not disabled respondents indicated that the recruitment strategy was fully applicable to employees with disabilities while 14 (32%) indicated that it was not the case.

The trend of responses to this question was somewhat different from the trend in the previous two questions. The overall responses revealed that in the case of only 28 (36%) of respondents' employers the strategy was applicable to employees with disabilities.

**Question 52 (The extent to which the same selection criteria is applied in the recruitment of employees with disabilities and employees who are not disabled)**

In this case, 18 (53%) disabled respondents mentioned that the same selection criteria was applied during the recruitment of employees with disabilities than with employees who were not disabled while 7 (21%) mentioned that this was not the case. The not disabled respondents responded similarly and 27 (61%) responded that the same selection criteria was applied while 10 (23%) indicated that this was not the case. Overall, the number of respondents indicating that the same criteria were applied was higher due to the relatively higher number of not disabled respondents indicating that the same criteria were applied.

Considering the number of employees with disabilities employed by the respondents' organisations and the strong trend identified in the use of the same selection criteria, this is not identified as a constraint in the employment of persons with disabilities. The perception which may exist that lesser selection criteria must be used for persons with disabilities, is dispelled by the responses to this question. It would be interesting to have known how a non-purposive sample would have responded to this question. This is an area which would be carried forward to the further topics for research in future.

**Question 53 (The extent to which the same remuneration package offered to employees with disabilities and employees who are not disabled)**

A total of 21 (62%) disabled respondents indicated that the same remuneration package was offered to employees with disabilities than to employees who were not disabled while 35 (80%) not disabled respondents indicated the same.

This indication is a positive trend caused by the Constitutional protection against discrimination and supported by the EEA. The principle of “equal work, for equal pay” is well entrenched in the management of remuneration practice in South Africa.

**Question 54 (Description of changes required in the recruitment and selection strategy which is required to accommodate disabled employees more effectively)**

The qualitative analysis of the responses to question 54 identified 12 areas or categories of response which respondents identified as requirements of changes to the recruitment and selection strategy to accommodate disabled employees more effectively. These categories are:

- Accessible adverts placed in the media frequented by persons with disabilities.
- Credible selection processes and selection panels.
- Reasonable accommodation of persons with disabilities in the recruitment and selection process.
- Job design specific to persons with disabilities.
- Attitude and approach of management towards persons with disabilities are not positive.
- A clear strategy and targets to employ persons with disabilities are required.
- Proper planning.
- A scorecard and incentives could be put in place to employ more persons with disabilities.
- Promotion of employees with disabilities to more senior positions.
- Experiential learnership.
- Regional database of persons with disabilities seeking employment.
- Training of managers and human resources practitioners in effective recruitment processes for persons with disabilities.

The identification of these areas confirmed the relevant problem statement, namely that inadequate recruitment and selection processes are constraining the employment of persons with disabilities. It does, however, not assist in providing the answer as to what to do to manage this constraint effectively. The 12 areas or

categories of response identified through the qualitative analysis would be utilised to formulate the recruitment part of the strategy to employ persons with disabilities.

#### SECTION 7.4: Employee retention and exit management strategies - Questions 55 to 63

Questions 55 to 63 and their response categories are presented in Table 81 below:

**Table 81: Questions and its response categories related to the employee retention and exit management strategies in respondents' organisations**

NO	QUESTION/STATEMENT	RESPONSE						
		1	2	3	4	5	6	7
55.	To what extent does your organisation have an effective employee retention strategy?	Indicates not at all.						Indicates completely/fully.
56.	To what extent is the employee retention strategy applicable to employees with disabilities?	Indicates not at all.						Indicates completely/fully.
57.	To what extent are the same initiatives to retain staff applicable to employees with disabilities and employees who is not disabled?	Indicates not at all.						Indicates completely/fully.
58.	Please describe any changes in the employee retention strategy which is required to accommodate disabled employees more effectively:							
59.	To what extent does your organisation have an effective exit management strategy?	Indicates not at all.						Indicates completely/fully.
60.	To what extent is this exit management strategy applicable to employees with disabilities?	Indicates						Indicates

		not at all.						completely/fully.
61.	To what extent are the same exit management initiatives applicable to employees with disabilities and employees who are not disabled?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
62.	To what extent are the same benefits paid to employees with disabilities and employees who are not disabled to retain them?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
63	Please describe any changes in the exit management strategy required to accommodate disabled employees more effectively: (Open text)							

The responses to questions 55 to 57 are presented in Table 82 below:

**Table 82: Responses to questions 55 to 57 grouped into three categories indicating disagreement, neutrality or agreement with each statement**

QUESTION	DISABLED			NOT DISABLED			COMBINED		
	Not at all	Neutral	Fully	Not at all	Neutral	Fully	Not at all	Neutral	Fully
55.	15 43%	8 23%	12 34%	19 42%	3 7%	23 51%	34 43%	11 14%	35 44%
56.	14 40%	6 17%	15 43%	18 40%	3 7%	24 53%	32 40%	9 11%	39 49%
57.	8 23%	6 17%	21 60%	15 33%	2 4%	28 62%	23 29%	8 10%	49 61%

**Question 55 (The extent to which respondents' organisation has an effective employee retention strategy)**

It is observed from Table 82 that 15 (43%) disabled respondents indicated that their organisation does not have an effective employee retention strategy while 12 (34%) said that it does. A total of 8 (23%) respondents had a neutral response to this question. Slightly more, (23 - 51%) not disabled respondents indicated that their organisation does have such a strategy while 19 (42%) indicated that it does not. Overall the respondents were spread evenly with 35 (44%) indicating to the positive and 34 (43%) indicating to the negative.

**Question 56 (The extent to which the employee retention strategy is applicable to employees with disabilities)**

Here, 39 (49%) of respondents stated that their organisation's employee retention strategy was applicable to employees with disabilities while 32 (40%) indicated that it was inapplicable.

**Question 57 (The extent to which the same retention initiatives are applicable to employees with disabilities and employees who are not disabled)**

A total of 49 (61%) respondents indicated that their employers applied the same retention measures to disabled as well as not disabled employees while 23 (29%) respondents also indicated that the same retention initiatives were not applied.

**Question 58 (Description of changes required in the employee retention strategy to accommodate disabled employees more effectively)**

The qualitative analysis of the responses to question 58 identified nine areas or categories of response which respondents identified as changes required to the employee retention strategy to accommodate disabled employees more effectively. These categories are discussed below:

- No retention strategy in place or it is ineffective.

- Accessibility and reasonable accommodation, for example rules related to sick leave and late coming should be more flexible and personalised depending on circumstances. Working conditions should be improved to ensure safety as well as the comfort of persons with disabilities to enable them to perform duties to the best of their abilities. Appropriate assistive devices, accessible transport and an accessible physical environment should also be provided. If the employers are willing to reasonably adapt the workplace to accommodate persons with disabilities a sense of belonging will be fostered and persons with disabilities will be more likely to stay loyal to that employer.
- Senior and middle managers should be trained to respond appropriately to retain employees. The management culture needs to be directed towards retaining skilled employees.
- A retention strategy is not required as the staff turnover is very low. Due to discrimination against employees with disabilities not too many employees with disabilities find new employment and therefore resign. This could change if more employers are willing to employ persons with disabilities, because they tend to stay longer simply since it is more difficult for them to handle change.
- Develop persons with disabilities by providing them with decent jobs at the appropriate level, because they want the same challenges as not disabled persons.
- The same retention initiatives must apply to persons with disabilities and to not disabled persons.
- Employee retention must be performance based and pro-active.
- Exit interviews should be conducted to determine the reasons why employees are leaving.
- Retention of employees should be considered as part of employment equity targets.

In summary it has been observed that a retention strategy is a fairly unknown approach in talent management in South Africa. In other words, when an employee indicates that he or she intends leaving the organisation, it is accepted. Efforts are not really made to keep on stimulating the growth of employees and to retain them.

Retention strategy could become an important component of managing disability. With the increased awareness being created with employment of persons with disabilities, employers could face increased mobility of persons with disabilities. This trend is to some extent already visible in the number of employees with disabilities employed by respondents' organisations. The disabled respondents had either been employed for more than 10 years or for less than two years, which indicates mobility amongst persons with disabilities in employment. A strategy for the employment of persons with disabilities would therefore have to include retention of employees with disabilities. Retention has not been identified as a constraint *per se*, but it is a valuable human resource management practice in ensuring that persons with disabilities are kept employed.

The low prevalence of retention strategies in respondents' organisations is a constraint in the employment of persons with disabilities. The effect of the low prevalence of such policy is that not disabled employees becoming disabled while employed would not be dealt with in accordance with agreed policy guidelines. The management decisions would be *ad hoc* of nature and cause uncertainty. The provisions of the LRA and the TAG are not sufficient to protect the employment rights of such a person.

The critical aspect in relation to disability management that should form part of an employer's retention strategy remains the reasonable accommodation and rehabilitation of a person with disabilities.

## **SECTION 7.5: Exit management strategy – Questions 59 to 62**

Responses to questions 59 to 62 are presented in Table 83 below:

**Table 83: Responses to questions 59 to 62 grouped into three categories indicating disagreement, neutrality or agreement with each statement**

QUESTION	DISABLED			NOT DISABLED			COMBINED		
	Not at all	Neutral	Fully	Not at all	Neutral	Fully	Not at all	Neutral	Fully
59.	15 47%	5 16%	12 38%	22 50%	6 14%	16 36%	37 49%	11 14%	28 37%
60.	17 53%	6 19%	9 28%	18 41%	7 16%	19 43%	35 46%	13 17%	28 37%
61.	10 31%	8 25%	14 44%	16 36%	6 14%	22 50%	26 34%	14 18%	36 47%
62.	11 34%	8 25%	13 41%	13 30%	6 14%	25 57%	24 32%	14 18%	38 50%

**Question 59 (The extent to which respondents' organisation have an effective exit management strategy)**

It is observed from Table 83 that 37 (49%) respondents indicated that their organisations do not have an effective exit management strategy while 28 (37%) indicated that the organisations they work for do have such a strategy.

**Question 60 (The extent to which the exit management strategy is applicable to employees with disabilities)**

Here 35 (46%) respondents revealed that their organisations' exit management strategy was not equally applicable to employees with disabilities while 28 (37%) respondents indicated that it was equally applicable. A total of 13 (17%) respondents responded neutrally to this question, while 8 respondents (10%) did not complete the question.

**Question 61 (The extent to which the same exit management initiatives are applicable to employees with disabilities and employees who are not disabled)**

A total of 36 (47%) respondents indicated that the same exit management initiatives were applied while 26 (34%) indicated that this was not the case. Seven (7 - 8%) respondents did not complete the question.

**Question 62 (The extent to which the same benefits are paid to employees with disabilities and employees who are not disabled to retain them)**

The majority disabled respondents responded either negatively or neutrally (11 – 34% responded negatively and 8 - 25% neutrally) to the question to what extent the same benefits are paid to employees with disabilities and not disabled employees to retain them. The large number of disabled respondents who responded in this manner is alarming. Furthermore, a similar trend was confirmed by not disabled respondents (13 – 30% responded negatively and 6 – 14% neutrally). The emphasis on prevention of unfair discrimination in South Africa seems to not yet have had the desired effect in this regard. This could be merely a perception but since a similar trend was confirmed by both groups of respondents it is unlikely to be merely a perception. Seven (7 - 8%) respondents did not complete the question.

**Question 63 (Description of changes required to the exit management strategy to accommodate disabled employees more effectively - Open text)**

The qualitative analysis of the responses to question 63 identified five areas or categories of response. These categories are discussed below:

- No exit management strategy is in place.
- Exit interviews are performed or the reasons for leaving are recorded.
- Exit packages are offered when an employee becomes disabled while employed.
- Organisations should act on the reasons why employees are leaving.
- The exit management strategy must be linked to the employment equity process.

Similar to the retention strategy discussed above, an exit management strategy is a relatively unknown concept in the South African human resource management environment. It is a constraint that it is not clear how an employee who becomes disabled is managed when it is necessary to exit the organisation. The benefits payable to such employee, the support available and the conditions on which a person exit the environment should be disability friendly.

## SECTION 7.6: Labour relations management strategy – Questions 64 to 68

Questions 64 to 68 and their response categories are presented in Table 84 below:

**Table 84: Questions and response categories related to the labour relations management strategies in respondents' organisations**

NO	QUESTION/STATEMENT	RESPONSE						
		1	2	3	4	5	6	7
64.	To what extent does your organisation have an effective labour relations management strategy?	1 Indi- cates not at all.	2	3	4	5	6	7 Indi- cates com- pletely/ fully.
65.	To what extent is the labour relations management strategy applicable to employees with disabilities?	1 Indi- cates not at all.	2	3	4	5	6	7 Indi- cates com- pletely/ fully.
66.	To what extent are the labour relations initiatives similarly applicable to employees with disabilities and employees who are not disabled?	1 Indi- cates not at all.	2	3	4	5	6	7 Indi- cates com- pletely/ fully.
67.	Please describe any changes required in the labour relations management strategy to accommodate disabled employees more effectively:							
68.	Do any <u>other</u> employment policies and practices require review to accommodate disabled persons? Please explain:							

The responses to questions 64 to 66 are presented in Table 85 below:

**Table 85: Responses to questions 64 to 66 grouped into three categories indicating disagreement, neutrality or agreement**

QUESTION	DISABLED			NOT DISABLED			COMBINED		
	Not at all	Neutral	Fully	Not at all	Neutral	Fully	Not at all	Neutral	Fully
64.	9 28%	6 19%	17 53%	6 13%	6 13%	33 73%	15 19%	12 15%	50 65%
65.	11 34%	8 25%	13 41%	7 16%	6 13%	32 71%	18 23%	14 18%	45 58%
66.	6 19%	5 16%	21 66%	5 11%	6 13%	34 76%	11 14%	11 14%	55 71%

**Question 64 (The extent to which respondents' organisation has an effective labour relations management strategy)**

It is observed from Table 85 that a total of 50 (65%) respondents indicated that their organisations do have a labour relations strategy in place while 15 (19%) respondents indicated that this was not the case in the organisations they work for. Six (6 - 7%) respondents did not complete the question.

**Question 65 (The extent to which the labour relations management strategy is applicable to employees with disabilities)**

In this case, 45 (58%) respondents responded by mentioning that the labour relations strategy was applicable equally to employees with disabilities while 18 (23%) respondents mentioned that it was not applicable to employees with disabilities. Six (6 - 7%) respondents did not complete the question. A marked difference in the responses by disabled respondents and not disabled respondents is apparent because in the view of the disabled respondents, the labour relations strategy was less applicable to employees with disabilities.

**Question 66 (The extent to which the labour relations initiatives are similarly applicable to employees with disabilities and employees who are not disabled)**

A total of 55 (71%) respondents stated that similar initiatives were applied to disabled and not disabled employees in terms of the relevant labour relations strategies. It would appear positive if labour relations initiatives were applied similarly to both groups of employees, but actually this was not the case. The unique circumstances surrounding disability require different approaches to certain human resource management (including labour relations management) practices. These practices do impact on the employment relationship on an individual as well as a collective basis. Seven (7 - 8%) respondents did not complete the question.

**Question 67 (Description of changes required in the labour relations management strategy to accommodate disabled employees more effectively)**

The qualitative analysis of the responses to question 67 identified four areas or categories of response. These categories are discussed below:

- No labour relations management strategy is in place.
- Educate the unions concerning disability management and the rights of persons with disabilities. Unions, unfortunately, are reluctant to assist persons with disabilities with specific work related problems. Labour relations management practitioners should address these issues with organised labour.
- Labour relations strategy should not be the same for persons with disabilities and not disabled persons. Incapacity could be redefined to better accommodate persons with disabilities.
- Labour relations practitioners do not prioritise disability management and the rights of persons with disabilities. Persons with disabilities are not taken seriously by human resource management practitioners. The effect of a disability on a person's ability to perform and be rewarded should be emphasised in the labour relations strategy as this might have an adverse effect on the relationship between the employer and employee. The strategy should be specific to the responsibilities of both the employer and the

disabled employee in ensuring enhanced performance and greater collaboration with specialists in the field of disability management.

In summary, labour unions and labour relations practitioners have not prioritised disability management and the rights of persons with disabilities. The indication that incapacity should be redefined indicates that labour relations strategy should be assessed to ensure that it accommodates disability management.

### **Question 68**

The qualitative analysis of the responses to question 68 identified seven areas or categories of response. These categories are discussed below:

- Training and development is emphasised as an empowerment strategy for persons with disabilities.
- Mentoring programmes for persons with disabilities could assist with the empowerment of persons with disabilities.
- Employers should have strategic focus on the employment and reasonable accommodation of persons with disabilities.
- Penalties should be imposed on companies for not achieving employment equity targets in respect of disability.
- All employment related policies require modification to accommodate persons with disabilities and the correct mindset is critical to bring about changes. The need for policies dealing specifically with disability management is required and thus measurable performance standards need to be developed for senior and middle management in order to ensure compliance with policies. Medical benefits for employees also need to be examined.
- Accessibility and reasonable accommodation were raised consistently by especially disabled respondents as the most significant constraint to the employment of persons with disabilities. Raising the understanding of peers and subordinates of what and why persons with disabilities are employed is vital for that is where the breakdown occurs. Compulsory accessibility audit of all buildings/venues and the allocation of a rating to a degree of accessibility is crucial.

- Flexible work options should be instituted, for example home offices could be set up where possible if the movement of a disabled employee is impaired. Flexible working hours, sabbaticals and time off to recover from trauma, clinical depression and other conditions could be provided.

Labour relations practitioners have a role to play in disability management. The role relates to training, developing labour relations strategies that are disability friendly and placing the rights of persons with disabilities on the labour relations agenda with labour unions.

The mean for the quantitative questions 45 to 66 (excluding questions 49, 54, 58 and 63 which are qualitative) are presented in Table 86 below:

**Table 86: Means of questions 45 to 48, 50 to 53, 55 to 57, 59 to 62 and 64 to 66 related to respondents' views regarding the various human resource management practices in respondents' organisations**

QUESTION	N	MEAN
45.	77	4,96104
46.	77	4,53247
47.	77	5,01299
48.	77	5,10390
50.	78	4,70513
51.	78	3,89744
52.	78	4,97436

QUESTION	N	MEAN
53.	78	5,44872
55.	80	3,83750
56.	80	4,05000
57.	80	4,58750
59.	76	3,76316
60.	76	3,72368
61.	76	4,14474
62.	76	4,46053
64.	77	4,97403
65.	77	4,92208
66.	77	5,36364

Section 7 of the questionnaire dealt with the human resource management practices of:

- Training and development;
- performance management;
- recruitment and selection;
- employee retention and exit management strategy; and
- labour relations management strategy.

The pattern followed in formulating the questions in Section 7 (human resource management practices) was consistent in respect of each of the individual human resource management practices, namely:

- Whether a strategy in relation to the practice was in place.
- The extent to which the said strategy was applicable to employees with disabilities.
- Whether the same criteria or initiatives or benefits are applicable to employees with disabilities and employees who are not disabled.
- In their own words to indicate changes required to the specific practice to accommodate persons with disabilities more effectively.

In respect of training and development, the majority of respondents indicated that training in dealing with issues related to the employment of persons with disabilities was not provided. This is clearly a constraint to the employment of persons with disabilities.

However, the result of question 43 contradicted the principles of sound human resource management since little training in disability management issues was provided and the little that was provided was not used in making decisions. Close to 50% of the respondents indicated that the principles they were taught in the training was “never” used. A normal response of human resource management practitioners to an issue of strategic importance is to create awareness and to transfer skills through training. If the training would not add value as the responses above are indicating, more creative ways of skills transfer and raising awareness need to be found or ways of enforcement should be resorted to. Experience has taught that training which is not used or required to be used will fade away and no value will ensue. In developing the strategy this aspect will be addressed.

In respect of questions 47 (5,01299), 48 (5,10390), 53 (5,44872), and 66 (5,36364) the mean were greater than 5 indicating that these are not regarded as constraints. The remainder of the questions in this section of the questionnaire had a mean below 5, indicating that they constrain the employment of persons with disabilities namely as follows:

- Question 45 – The extent to which respondents’ organisations has an effective performance management system.
- Question 46 – The extent to which this performance management system is applicable to employees with disabilities.
- Question 50 – The extent to which the respondents’ organisations have an effective recruitment and selection strategy.
- Question 51 – The extent to which the recruitment and selection strategy is applicable to employees with disabilities.
- Question 52 – The extent to which the same selection criteria is applied in the recruitment of employees with disabilities and employees who are not disabled.
- Question 55 – The extent to which respondents’ organisation has an effective employee retention strategy.
- Question 56 – The extent to which the employee retention strategy is applicable to employees with disabilities.
- Question 57 – The extent to which the same retention initiatives are applicable to employees with disabilities and employees who are not disabled.
- Question 59 – The extent to which respondents’ organisation have an effective exit management strategy.
- Question 60 – The extent to which the exit management strategy is applicable to employees with disabilities.
- Question 61 – The extent to which the same exit management initiatives are applicable to employees with disabilities and employees who are not disabled.
- Question 62 – The extent to which the same benefits are paid to employees with disabilities and employees who are not disabled to retain them.
- Question 64 – The extent to which respondents’ organisation has an effective labour relations management strategy.
- Question 65 – The extent to which the labour relations management strategy is applicable to employees with disabilities.

As discussed in Chapter 2, various authors including Brewster et al (2008) indicated that the human resource management function had to become innovative and

relevant in the demanding environment, leading to the emergence of talent management during early 2000. Brewster et al (2008:16) indicated that talent management is the use of an integrated set of human resource management activities to ensure an organisation attracts, retains, motivates and develops the talented people it needs. In the case of people with disabilities the research found that none of the six human resource management practices supported the employment of people with disabilities, but rather constrains it. It also emanated from the research that the human resource management framework has not been aligned to the requirements of the EEA in respect of persons with disabilities.

In considering the abovementioned research results the constraints to the employment of persons with disabilities which requires to be addressed in terms of the strategy to employ persons with disabilities are set out in Table 87 below. The strategic output required to mitigate these constraints will be discussed in more detail in the following chapter.

**Table 87: Constraints identified in relation to the various human resource management practices**

CONSTRAINT NUMBER	DESCRIPTION OF CONSTRAINTS IDENTIFIED
19.	Training and development practices are not effectively presented to all employees resulting in the following constraints to the employment of persons with disabilities: <ul style="list-style-type: none"> <li>➤ Lack of awareness of disability management.</li> <li>➤ Training provided in disability management is not being used by the persons trained.</li> <li>➤ Persons with disabilities are not empowered to assert their rights in terms of disability management.</li> <li>➤ Work environments do not prioritise disability management.</li> <li>➤ Disability management is not linked to the performance indicators of all managers at all levels.</li> </ul>
20.	Performance management practice is inadequate in respect of persons with disabilities resulting in it being a constraint due to the following: <ul style="list-style-type: none"> <li>➤ Effective performance management systems are not in place.</li> <li>➤ Performance management systems do not apply to all employees.</li> <li>➤ Difficulties experienced by persons with disabilities are not understood by employers.</li> <li>➤ Managers are not trained in managing the performance of persons with disabilities.</li> <li>➤ Accessibility and reasonable accommodation impact on the performance of persons with disabilities.</li> <li>➤ Clarity does not exist whether the same or different performance standards must apply to persons with disabilities.</li> </ul>

CONSTRAINT NUMBER	DESCRIPTION OF CONSTRAINTS IDENTIFIED
	<ul style="list-style-type: none"> <li>➤ Assessments are not conducted objectively by managers.</li> </ul>
21.	<p>Recruitment and selection practices are inadequate and not strategically aligned resulting in it being a constraint due to the following:</p> <ul style="list-style-type: none"> <li>➤ Adverts are not accessible to persons with disabilities.</li> <li>➤ Adverts do not target persons with disabilities.</li> <li>➤ Selection processes are not seen as a credible process by persons with disabilities.</li> <li>➤ Persons with disabilities are not being reasonably accommodated during the selection process.</li> <li>➤ Job design is not considering persons with disabilities adequately to provide for their unique circumstances.</li> <li>➤ Managers and supervisors do not understand disability resulting in deciding not to employ persons with disabilities due to negative perceptions they may have of persons with disabilities.</li> </ul>
22.	<p>Retention and exit management strategies are not utilised in disability management resulting in it being a constraint due to the following:</p> <ul style="list-style-type: none"> <li>➤ Inconsistent treatment of employees with disabilities and not disabled employees.</li> <li>➤ Reasonable accommodation and rehabilitation of employees who become disabled are not effectively dealt with.</li> <li>➤ The reasons why employees leave the employment are known but nothing is done to correct it which results in persons with disabilities not being retained.</li> <li>➤ Employment equity strategies are not aligned resulting in persons with disabilities not being affirmed.</li> </ul>
23.	<p>Labour relations management strategy is inadequate resulting in it being a constraint due to the following:</p> <ul style="list-style-type: none"> <li>➤ Human resource management practitioners and union officials do not prioritise disability management and the rights of persons with disabilities.</li> <li>➤ The rights and the unique circumstances of persons with disabilities are not recognised resulting in the labour relations processes not providing for persons with disabilities.</li> </ul>
24.	<p>Lack of strategic focus of employers on disability management constrains the employment of persons with disabilities.</p>
25.	<p>The role of human resource management practitioners is not clearly defined in terms of disability management resulting in them not prioritising persons with disabilities as a designated group in terms of the EEA.</p>

## 9.2.7 SECTION 8: REASONABLE ACCOMMODATION – QUESTIONS 69 TO 72

Questions 69 to 72 and their various response categories are presented in Table 88 below:

**Table 88: Questions and response categories related to reasonable accommodation in respondents' organisations**

<p>Reasonable accommodation refers to the steps an employer takes to adjust the work environment to make it possible for an employee with disabilities to be fully functional in performing his or her work. This includes the provision of visual aids to a visually impaired employee, hearing aids to a hearing impaired employee, etc. The questions relate to how far an employer is willing to go to accommodate a disabled employee, keeping in mind that some of the initiatives may be costly.</p>								
69.	To what extent does your organisation have a policy detailing the steps your organisation is willing to take to accommodate an employee with disabilities? (Please attach a copy).	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
70.	How much money would your organisation be willing to spend to accommodate an employee with disabilities?		R0.					
			R0 to R 1000.					
			R1 000 to R10 000.					
			R10 000 to R20 000.					
			R20 000 to R30 000.					
			R30 000 to R50 000.					
			R50 000 and more.					
71.	To what extent would your organisation employ an expert to advise on the best method to accommodate a disabled person?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.
72.	To what extent is the building in which your organisation do business, disability friendly?	1 Indicates not at all.	2	3	4	5	6	7 Indicates completely/fully.

**Question 69 (The extent to which respondents' organisations do have a policy detailing the steps the organisation is willing to take to accommodate an employee with disabilities)**

The responses are presented in Table 89 below:

**Table 89: Frequencies to question 69 indicating whether respondents' organisation do have reasonable accommodation policies in place**

CATEGORY	DISABLED		NOT DISABLED		COMBINED	
	FREQUENCY	%	FREQUENCY	%	FREQUENCY	%
1	10	29	16	38	26	34
2	7	21	6	14	13	17
3	3	9	1	2	4	5
4	3	9	3	7	6	8
5	6	18	4	10	10	13
6	3	9	4	10	7	9
7	2	6	8	19	10	13

It is observed from Table 89 above that overall a total of 43 (57%) respondents indicated that their organisations do not have a policy on reasonable accommodation in place while 27 (36%) respondents indicated that it does. Six (6 - 9%) respondents had a neutral response.

**Question 70 (The amount of money respondents' organisations would be willing to spend to accommodate an employee with disabilities)**

Responses are presented in Table 90 below:

**Table 90: Amount of money respondents' organisations would spend on reasonable accommodation**

AMOUNT WILLING TO BE SPENT ON REASONABLE ACCOMMODATION	DISABLED	NOT DISABLED	OVERALL
R0.	15 39%	0	15 18%
R0 to R 1000.	5 13%	13 28%	18 21%
R1 000 to R10 000.	1 3%	0	1 1%
R10 000 to R20 000.	4 11%	7 15%	11 13%
R20 000 to R30 000.	5 13%	8 17%	13 15%

AMOUNT WILLING TO BE SPENT ON REASONABLE ACCOMMODATION	DISABLED	NOT DISABLED	OVERALL
R30 000 to R50 000.	0	2 4%	2 2%
R50 000 and more.	2 5%	3 7%	5 6%

Two (2 - 2%) respondents did not complete the question.

**Question 71 (The extent to which respondents' organisations would employ an expert to advise on the best method to accommodate a disabled person)**

The responses are presented in Table 91 below:

**Table 91: Frequencies to question 71 indicating the extent to which respondents' organisations would employ an expert to advise on the best method to accommodate a person with disabilities**

CATEGORY	DISABLED		NOT DISABLED		COMBINED	
	FREQUENCY	%	FREQUENCY	%	FREQUENCY	%
1	7	21	4	9	11	14
2	2	6	3	7	5	6
3	2	6	2	5	4	5
4	7	21	4	9	11	14
5	6	18	18	41	24	31
6	5	15	4	9	9	12
7	4	12	9	20	13	17

From Table 91 it is observed that overall 24 (31%) respondents mentioned that it is "somewhat" likely that their organisations would employ an expert to assist with the implementation of disability management. If the categories are divided as discussed above, 46 (60%) respondents indicated that their organisation would employ an expert to advise them on the best method to employ persons with disabilities while 20 (26%) respondents indicated that their organisations are unlikely to do so.

**Question 72 (The extent to which the building in which the respondents do business is disability friendly)**

The responses are presented in Table 92 below:

**Table 92: Frequencies to question 72 the extent to which the building in which the respondents' organisation do business is disability friendly**

CATEGORY	DISABLED		NOT DISABLED		COMBINED	
	FREQUENCY	%	FREQUENCY	%	FREQUENCY	%
1	3	9	5	11	8	10
2	4	12	3	7	7	9
3	3	9	10	23	13	17
4	4	12	8	18	12	15
5	8	24	4	9	12	15
6	9	26	7	16	16	21
7	3	9	7	16	10	13

It is observed from Table 92 above that 38 (49%) respondents indicated that their organisations' building was disability friendly while 28 (36%) indicated that this was not the case. Six (6 - 7%) respondents did not complete the question.

As extensively discussed in Chapter 2, the accessibility of the environment is a key disabling factor (Kaplan date unknown, Kluth 2006, and Albert 2004).

The nature of disability dictates that certain jobs can be performed based on the inherent requirements of the job while other jobs cannot because the disability causes the disabled employee not to be able to perform certain inherently required job functions. Opportunities exist for the employment of persons with disabilities in virtually any job with reasonable accommodation and the correct attitude from employers. It is important to identify the jobs which could respond best to a strategy to employ persons with disabilities. The perception by employers that reasonable accommodation would be very costly and would cause "hardship", is a major constraint to the employment of persons with disabilities. The US experience in this regard (refer to paragraph 4.5.2) is well-researched and indicative of the benefit of a well-structured legal and policy framework.

In considering the abovementioned research results the constraints to the employment of persons with disabilities which are required to be addressed in terms of the strategy to employ persons with disabilities are set out in Table 93 below. The strategic output required to mitigate these constraints will be discussed in more detail in the following chapter.

**Table 93: Identification of constraint related to the reasonable accommodation of persons with disabilities in the workplace**

CONSTRAINT NUMBER	DESCRIPTION OF CONSTRAINTS IDENTIFIED
26.	<p>Reasonable accommodation is not clearly defined in the employment context resulting in it being a constraint due to the following:</p> <ul style="list-style-type: none"> <li>➤ Persons with disabilities are not being reasonably accommodated because employers do not have policy documents in place to guide them in making decisions in providing reasonable accommodation to employees.</li> <li>➤ The perception which exists that reasonable accommodation is costly and would result in undue hardship to employers, is a constraint.</li> <li>➤ Office buildings are generally not disability friendly resulting in a constraint to employ persons with disabilities and those that are employed, not being able to work effectively.</li> <li>➤ Inherent job requirements are generally not defined resulting in persons with disabilities not being employed or being employed in positions not suitable to their specific disabilities.</li> </ul>

### 9.2.8 SECTION 9: GENERAL - QUESTION 73

Question 73 and its response categories are presented in Table 94 below:

**Table 94: Question and response categories related to the extent to which respondents' organisations monitor and evaluate the disability management programme**

NO	QUESTION/STATEMENT	RESPONSE						
		1	2	3	4	5	6	7
73.	To what extent does your organisation monitor and evaluate the implementation of a disability management program?	Indicates not at all.						Indicates completely/fully.

The responses are presented in Table 95 below:

**Table 95: Frequencies to question 73 indicating the extent to which respondents' organisations monitor and evaluate the disability management programme**

CATEGORY	DISABLED		NOT DISABLED		COMBINED	
	FREQUENCY	%	FREQUENCY	%	FREQUENCY	%
1	11	33	11	25	22	29
2	3	9	7	16	10	13
3	2	6	3	7	5	6
4	5	15	9	20	14	18
5	9	27	3	7	12	16
6	3	9	7	16	10	13
7	0	0	4	9	4	5

It is observed from Table 95 that overall the majority (22 – 29%) respondents indicated that their organisations do “not at all” monitor the implementation of their disability management programme. If the categories are divided as discussed above, 26 (34%) respondents indicated that their organisation does monitor the implementation of their disability management programme while 37 (48%) respondents indicated that this is not the case. A total of 7 (8%) respondents did not complete the question.

It is evident from the research results that efforts to implement disability management are not being monitored through means of a well-structured monitoring and evaluation framework. Managers and human resource management practitioners would therefore not be able to monitor progress with the implementation of disability management.

In considering the abovementioned research results the constraint to the employment of persons with disabilities requiring to be addressed in terms of the strategy to employ persons with disabilities, is set out in Table 96 below. The strategic output required to mitigate this constraint will be discussed in more detail in the following chapter.

**Table 96: Constraint identified in respect of the monitoring and evaluation of disability management programmes**

CONSTRAINT NUMBER	DESCRIPTION OF CONSTRAINTS IDENTIFIED
27.	Progress with the implementation of disability management programmes are not being monitored resulting in slow progress with implementation and a lack of strategic focus.

### 9.3 SUMMARY

The main objective of this research is to identify the constraints to the employment of persons with disabilities and to develop an integrated human resource management strategy to enhance the employment of more persons with disabilities in South African organisations. The quantitative research design was applied when a purposive sample of 84 knowledgeable persons in this field (persons with disabilities and human resource managers with experience in employing persons with disabilities) were surveyed with a semi-structured Likert-type questionnaire to determine the constraints. The questionnaire was specifically constructed for this purpose adding breadth to the research. The questionnaire also included a number of open-ended questions to add the required depth to the data.

Descriptive and inferential statistical methods were used to analyse the participants' quantified scores. The qualitative method of Content Analysis (ATLAS.ti) was applied to further identify categories and subcategories of constraints obtained. From the results, the most significant constraints that inhibit the employment of persons with disabilities were identified. The identified constraints were tabulated and will form the basis of the integrated strategy to enhance the employment of persons with disabilities.

**Table 97: Summary of the research findings per research question**

RESEARCH QUESTIONS (PRIMARY)					
Are there constraints that inhibit the employment of persons with disabilities in organisations? If so, what are these constraints and how can they be addressed?					
AREAS COVERED BY THE SECONDARY RESEARCH QUESTIONS					
AREA 1:	AREA 2:	AREA 3:	AREA 4:	AREA 5:	AREA 6:
Defining disability for employment purposes.	Usefulness of the SA disability management framework for employment purposes.	Perceptions concerning persons with disabilities in employment.	Availability of disability management policy and capacity in organisations.	The impact of human resource management policies on the employment of persons with disabilities.	The willingness of employers to reasonably accommodate persons with disabilities in the workplace and the commitment of key persons in the organisation.
Research finding: The definition and the various terms used in the definition are unclear and require to be clarified or changed.	Research finding: The Constitution, EEA, INDS and TAG are not sufficiently useful to manage disability in the workplace.	Research finding: Perceptions do exist which are both positive and negative. These reflect a lack of knowledge and understanding of disability management.	Research finding: Disability management policy and capacity are not available in organisations. In those instances where it is available, it is not used.	Research finding: Human resource management policies and practices do constrain the employment of persons with disabilities.	Research finding: Employers appear to be willing to reasonably accommodate persons with disabilities but they require policy guidelines and assistance to implement it.
SECONDARY RESEARCH QUESTIONS					
Is the definition of disability as set out in the EEA useful in managing disability in the employment context?	Is the South African legislative and policies framework utilised by managers and human resource practitioners?	Are the perceptions which employers and persons with disabilities have of each other a constraint in the employment of persons with	Is disability policy available in South African organisations and do organisations have capacity to implement it?	Does human resource management practices contribute to the employment of persons with disabilities or does it constrain it?	Do respondent organisations have a policy on reasonable accommodation?

RESEARCH QUESTIONS (PRIMARY)					
Are there constraints that inhibit the employment of persons with disabilities in organisations? If so, what are these constraints and how can they be addressed?					
AREAS COVERED BY THE SECONDARY RESEARCH QUESTIONS					
AREA 1:	AREA 2:	AREA 3:	AREA 4:	AREA 5:	AREA 6:
		disabilities?			
Research finding: The definition is not useful in managing disability in the employment context. The respondents indicated that they agree with the definition. However, the nature of the responses to the question, how the definition should be amended, indicated that respondents do not actually agree with the definition and significant changes were recommended.	Research finding: The South African legislative and policy framework were hardly ever used to assist with disability management.	Research finding: These perceptions are not based on knowledge and understanding. Facts should lead to better understanding of disability management. Like any employment decision it should be substantiated by facts, supported by the principles of fairness. It is therefore concluded that certain perceptions are not based on knowledge and understanding and is a constraint to the employment of persons with disabilities.	Research finding: Disability management policy and capacity are not available in South African organisations and in those instances where it is available, it is not used.	Research finding: Significant constraints have been identified caused by the various human resource management practices. These constraints relate to the absence of disability management principles in these human resource management policies and practices. Human resource management practitioners are not the first line of information in respect of disability management resulting in the human resource management practitioners not being responsive to disability issues.	Research finding: Reasonable accommodation policies are not in place.

RESEARCH QUESTIONS (PRIMARY)					
Are there constraints that inhibit the employment of persons with disabilities in organisations? If so, what are these constraints and how can they be addressed?					
AREAS COVERED BY THE SECONDARY RESEARCH QUESTIONS					
AREA 1:	AREA 2:	AREA 3:	AREA 4:	AREA 5:	AREA 6:
Do respondents agree with this definition?	Do managers and human resource management practitioners understand the legislation and policy framework?		Do organisations have policies on employment of persons with disabilities?	What methods do respondent organisations follow to recruit persons with disabilities?	How much money would respondent organisations be willing to spend on reasonable accommodation?
Research finding: The majority of the respondents indicated that they agree with the definition. However, the nature of the responses to the question on how the definition should be amended indicates that the definition requires to be changed. The respondents have proposed material changes.	Research finding: The respondents have expressed serious training needs and further that the policy framework must be clearer and more user friendly. This led to the conclusion that the legislation and policy framework is not well understood.		Research finding: Organisations do not have clear written and approved disability management policies and guidelines in place.	Research finding: Various methods are utilised but a single successful method could not be identified.	Research finding: The amounts vary. Some employers are willing to spend up to R50 000 while others are not willing to spend any money at all.
Does this definition include all categories of			Are these policies used?	What role do specific human resource management	Would respondent organisations be willing to utilise

RESEARCH QUESTIONS (PRIMARY)					
Are there constraints that inhibit the employment of persons with disabilities in organisations? If so, what are these constraints and how can they be addressed?					
AREAS COVERED BY THE SECONDARY RESEARCH QUESTIONS					
AREA 1:	AREA 2:	AREA 3:	AREA 4:	AREA 5:	AREA 6:
disability?				practices play in employing persons with disabilities?	experts to assist with reasonable accommodation?
Research finding: The majority of respondents indicated that the definition includes all categories of disability. However, the nature of the responses to the question on how the definition of disability should be amended, made it clear that respondents actually do not agree that the definition includes all the categories of disability.			Research finding: In those instances where the policies do exist, they are not used.	Research finding: The role is limited due to the limited contribution the practices make to disability management at present.	Research finding: Organisations are to a limited extent inclined to appoint an expert to advise them on reasonable accommodation.
Does this definition assist in dealing with issues of disability in employment?			Do organisations have a disability ombudsman in its employ?	How should these practices be changed to facilitate the increased employment of	

RESEARCH QUESTIONS (PRIMARY)					
Are there constraints that inhibit the employment of persons with disabilities in organisations? If so, what are these constraints and how can they be addressed?					
AREAS COVERED BY THE SECONDARY RESEARCH QUESTIONS					
AREA 1:	AREA 2:	AREA 3:	AREA 4:	AREA 5:	AREA 6:
				persons with disabilities?	
Research finding: The respondents expressed uncertainty and it was not conclusive whether the definition assisted in disability management.			Research finding: Organisations do not have a disability office or a disability ombudsman in place.	Research finding: The practices should be adjusted to recognise the principles of disability management and to be made disability friendly.	
			What role do human resource management practitioners play in disability management?	Human resource management practitioners are not the first point of entry for disability management in organisations resulting in them not playing a leading role in the initiatives of organisations to employ persons with disabilities.	

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## CHAPTER 10

### CONCLUSIONS, HUMAN RESOURCE MANAGEMENT STRATEGY, REFLECTION AND RECOMMENDATIONS

“No man’s abilities are so remarkably shining as not to stand in need of a proper opportunity, a patron, and even the praises of a friend to recommend them to the notice of the world.”

Caius Plinius Secundus, Pliny the Elder

#### 10.1 INTRODUCTION

The main objective of this research was to identify the constraints to the employment of persons with disabilities, and to develop an integrated human resource management strategy to enhance the employment of more persons with disabilities in South African organisations.

Referring to the purpose of the study and the results discussed in Chapter 9, relevant conclusions will be made and an integrated human resource strategy will be presented to increase the employment of persons with disabilities

#### 10.2 CONCLUSIONS AND STRATEGY TO RESOLVE THE CONSTRAINTS PREVENTING THE EMPLOYMENT OF PERSONS WITH DISABILITIES

The conclusion of the research is the constraints identified in the employment of persons with disabilities as discussed in Chapter 9 and which are presented in Table 98 below.

**Table 98: Summary of the constraints identified in the employment of persons with disabilities**

CONCLUSION/ CONSTRAINT NUMBER	DESCRIPTION OF CONCLUSION/ CONSTRAINT IDENTIFIED
1.	The definition of “people/ persons with disabilities” for employment purposes is a constraint because it is vague and words used in the definition are unclear.
2.	Accessibility and reasonable accommodation are serious constraints for persons with disabilities as it prevents them from participating on a more equal footing in the workplace.
3.	Disability is viewed in terms of function and social labelling rather than in terms of its relationship to the quality of life of persons with disability.
4.	The Constitution, 1996, EEA, INDS and TAG are not sufficiently useful to manage disability in the workplace.
5.	The South African legislative and policy framework were hardly ever used to assist with disability management.
6.	Reasonable accommodation and environmental accessibility are not clearly described in policy guidelines.
7.	Organisations lack focus on the employment of persons with disabilities.
8.	Unfair targets to employ persons with disabilities as they are continuously disabled.
9.	<p>Respondents identified the following general perceptions as constraints:</p> <ul style="list-style-type: none"> <li>➤ Employees with disabilities are not able to do physically strenuous work.</li> <li>➤ Employees with disabilities require special attention from their supervisors.</li> <li>➤ Employees with disabilities are more expensive to employ than any other employee.</li> <li>➤ Employers are not willing to employ persons with disabilities.</li> <li>➤ Workplaces are not friendly towards disabled persons.</li> <li>➤ A CV indicating that a job applicant is disabled is not properly considered by organisations.</li> <li>➤ Organisations ignore disability management issues because it conflicts with business objectives.</li> <li>➤ Organisations encourage managers to ignore disability issues because it conflicts with business objectives.</li> </ul>
10.	Organisations do not have approved and clear written policies or guidelines on employing persons with disabilities.
11.	Existing policy or written guidelines are not utilised to guide disability management related decisions at work.
12.	Organisations do not have a disability office or a disability ombudsman to whom employees can report suspected discrimination or receive advice about disability issues.
13.	HR departments do not act as the primary resource for the disability initiative of organisations.

CONCLUSION/ CONSTRAINT NUMBER	DESCRIPTION OF CONCLUSION/ CONSTRAINT IDENTIFIED
14.	HR professionals are not involved in formulating disability management policies for their organisations.
15.	Individuals responsible for managing the disability programme in organisations are not qualified and experienced for the task.
16.	Employees do not know who to contact when requiring information on disability management.
17.	<p>The following key people in organisations are not sufficiently committed to disability management:</p> <ul style="list-style-type: none"> <li>➤ CEO/Director-General/Top Management.</li> <li>➤ Senior management.</li> <li>➤ Middle management.</li> <li>➤ Subordinates.</li> <li>➤ Peers.</li> <li>➤ Other employees.</li> </ul>
18.	Lack of a focused strategy to recruit persons with disabilities.
19.	<p>Training and development practices are not effectively presented to all employees resulting in the following constraints to the employment of persons with disabilities:</p> <ul style="list-style-type: none"> <li>➤ Lack of awareness of disability management.</li> <li>➤ Training provided in disability management is not being used by the persons trained.</li> <li>➤ Persons with disabilities are not empowered to assert their rights in terms of disability management.</li> <li>➤ Work environments do not prioritise disability management.</li> <li>➤ Disability management is not linked to the performance indicators of all managers at all levels.</li> </ul>
20.	<p>Performance management practice is inadequate in respect of persons with disabilities resulting in it being a constraint due to the following:</p> <ul style="list-style-type: none"> <li>➤ Effective performance management systems are not in place.</li> <li>➤ Performance management systems do not apply to all employees.</li> <li>➤ Difficulties experienced by persons with disabilities are not understood by employers.</li> <li>➤ Managers are not trained in managing the performance of persons with disabilities.</li> <li>➤ Accessibility and reasonable accommodation impact on the performance of persons with disabilities.</li> <li>➤ Clarity does not exist whether the same or different performance standards must apply to persons with disabilities.</li> <li>➤ Assessments are not conducted objectively by managers.</li> </ul>
21.	<p>Recruitment and selection practices are inadequate and not strategically aligned resulting in it being a constraint due to the following:</p> <ul style="list-style-type: none"> <li>➤ Adverts are not accessible to persons with disabilities.</li> <li>➤ Adverts do not target persons with disabilities.</li> </ul>

CONCLUSION/ CONSTRAINT NUMBER	DESCRIPTION OF CONCLUSION/ CONSTRAINT IDENTIFIED
	<ul style="list-style-type: none"> <li>➤ Selection processes are not seen as credible by persons with disabilities.</li> <li>➤ Persons with disabilities are not being reasonably accommodated during the selection process.</li> <li>➤ Job design is not considering persons with disabilities adequately to provide for their unique circumstances.</li> <li>➤ Managers and supervisors do not understand disability resulting in deciding not to employ persons with disabilities due to negative perceptions they may have of persons with disabilities.</li> </ul>
22.	<p>Retention and exit management strategies are not utilised in disability management resulting in it being a constraint due to the following:</p> <ul style="list-style-type: none"> <li>➤ Inconsistent treatment of employees with disabilities and not disabled employees.</li> <li>➤ Reasonable accommodation and rehabilitation of employees who become disabled are not effectively dealt with.</li> <li>➤ The reasons why employees leave employment are known but little is done to correct it resulting in persons with disabilities not being retained.</li> <li>➤ Employment equity strategies are not aligned resulting in persons with disabilities not being affirmed.</li> </ul>
23.	<p>Labour relations management strategy is inadequate resulting in it being a constraint due to the following:</p> <ul style="list-style-type: none"> <li>➤ Human resource management practitioners and union officials do not prioritise disability management and the rights of persons with disabilities.</li> <li>➤ The rights and the unique circumstances of persons with disabilities are not recognised resulting in the labour relations processes not providing for persons with disabilities.</li> </ul>
24.	<p>Lack of strategic focus of employers on disability management constrains the employment of persons with disabilities.</p>
25.	<p>The role of human resource management practitioners is not clearly defined in terms of disability management resulting in them not prioritising persons with disabilities as a designated group in terms of the EEA.</p>
26.	<p>Reasonable accommodation is not clearly defined in the employment context resulting in it being a constraint due to the following:</p> <ul style="list-style-type: none"> <li>➤ Persons with disabilities are not being reasonably accommodated because employers do not have policy documents in place to guide them in making decisions in providing reasonable accommodation to employees.</li> <li>➤ The perception which exists that reasonable accommodation is costly and would result in undue hardship to employers, is a constraint.</li> <li>➤ Office buildings are generally not disability friendly resulting in a constraint to employ persons with disabilities and those that are employed, not being able to work effectively.</li> </ul>

CONCLUSION/ CONSTRAINT NUMBER	DESCRIPTION OF CONCLUSION/ CONSTRAINT IDENTIFIED
	➤ Inherent job requirements are generally not defined resulting in persons with disabilities not being employed or being employed in positions not suitable to their specific disabilities.
27.	Progress with the implementation of disability management programmes are not being monitored resulting in slow progress with implementation and a lack of strategic focus.

The 27 conclusions or constraints are those issues identified which constrains the employment of persons with disabilities. The main objective of the research was to identify constraints in the employment of persons with disabilities and to develop an integrated employment strategy that can be used in any organisation and at a macro/national level. The constraints as summarised above therefore address the first part of the main research objective. To satisfy the second part of the research objective a strategy was developed to address these constraints.

The strategy to resolve these constraints are discussed below. The purpose of the strategy is to provide a plan, consisting of various outputs, to address the constraints. As discussed in Chapter 1 the strategy is not intended to provide the complete solution to all the constraints but merely the strategy that will lead to obtaining the solutions.

**Conclusion 1:** The definition of “people/persons with disabilities” as defined in section 1 of the EEA for employment purposes is a constraint to the employment of persons with disabilities because it is vague and words used in the definition are unclear. The definition is based on the medical model and views the impairment as the cause of the inability to attain success or promotion in the workplace (CHPI and SAFCD 2001:18 and 19).

**Strategic intervention:** The definition of persons with disabilities must be reworded to achieve clarity of terms, identification of categories and levels of disability (strategic intervention 1). The definition of Jahiel (2007) as discussed in Chapters 2 and 9 could

serve as the basis for a reworded definition, considering the comments and suggestions made.

**Conclusion 2:** Accessibility and reasonable accommodation are serious constraints for persons with disabilities as it prevents them from participating on a more equal footing in the workplace.

**Strategic intervention:** Develop and implement a focused reasonable accommodation policy that would address the identified constraints which specifically focus on mental and physical attributions of a task, the reduced functional capacity of each disability as well as the practical job accommodating measures (strategic intervention 2).

**Conclusion 3:** Disability is viewed in terms of function and social labeling rather than in terms of its relationship to the quality of life of persons with disabilities.

**Strategic intervention:** Initiate workplace programmes which cause disability to be viewed in terms of the quality of the life of a person with disabilities (strategic intervention 3). It is recommended that such programmes be managed by facilitators who are well experienced in disability management and that it is practical by nature. A useful technique could be to allow employees to experience a certain category of disability. For example, let employees experience a work day in a wheel chair, blindfolded or wearing ear plugs, while expected to perform their normal work functions. Once the experience is completed a well-structured debriefing session can be facilitated by an experienced facilitator or a person with disabilities.

**Conclusion 4:** The Constitution, 1996, EEA, INDS and TAG are not sufficiently useful to manage disability in the workplace.

**Conclusion 5:** The South African legislative and policy frameworks are hardly ever used to assist with disability management.

**Strategic intervention:** Firstly create awareness of the legislative and policy framework (strategic intervention 4). The awareness programme should be presented in a manner that is creative leading to effective transfer of knowledge and skills. The fact that the respondents indicated that they neither use the framework nor the training provided, confirms that interest in this area is low. That is why creativity is called for. Secondly top management must enforce implementation of the legislative and policy framework (strategic intervention 5).

**Conclusion 6:** Reasonable accommodation and environmental accessibility are not clearly described in policy guidelines.

**Strategic intervention:** To develop and implement a focussed reasonable accommodation policy that would address the identified constraints which specifically focus on mental and physical attributions of a task, the reduced functional capacity of each disability as well as the practical job accommodating measures (strategic intervention 2).

**Conclusion 7:** Organisations lack focus on the employment of persons with disabilities.

**Strategic intervention:** Develop a human resource management framework to employ persons with disabilities (strategic intervention 6).

**Conclusion 8:** Unfair targets to employ persons with disabilities as they are continuously disabled.

**Strategic intervention:** Set fair and equitable employment targets for persons with disabilities (strategic intervention 7). It is recommended that a clear position be developed by human resource and labour relations management practitioners in organisations concerning the relevant employment target utilised for persons with disabilities. In terms of race and gender the normal practice followed is to utilise the

statistical distribution of the economically active population. A similar approach should be followed in determining a target for employing persons with disabilities. From the discussion in Chapter 6 it became clear that a precise target cannot be determined using the available statistical information. The different percentages for the economically active disabled population centre around 5% to 6%. A percentage target of 5.5% of an organisation's human resources is therefore recommended for the employment of persons with disabilities.

**Conclusion 9:** Respondents identified the following general perceptions as constraints:

- Employees with disabilities are not able to do physically strenuous work;
- employees with disabilities require special attention from their supervisors;
- employees with disabilities are more expensive to employ than any other employee;
- employers are not willing to employ persons with disabilities;
- workplaces are not friendly towards disabled persons;
- a CV indicating that a job applicant is disabled is not properly considered by organisations;
- organisations ignore disability management issues because it conflicts with business objectives; and
- organisations encourage managers to ignore disability issues because it conflicts with business objectives.

**Strategic intervention:** To develop and implement a focussed reasonable accommodation policy that would address the identified constraints which specifically focus on mental and physical attributions of a task, the reduced functional capacity of each disability as well as the practical job accommodating measures (strategic intervention 2).

The purpose of this strategic objective in this context is to suggest that if there are clear guidelines in respect of accessibility and reasonable accommodation most of these perceptions can be managed. It is also further suggested to initiate workplace

programmes which cause disability to be viewed in terms of the quality of the life of a person with disabilities (strategic intervention 3) and to create awareness of the legislative and policy framework (strategic intervention 1).

The development of a human resource management framework to employ persons with disabilities is also suggested as part of the strategy to manage this constraint (strategic intervention 6).

The lack of commitment to disability management could be changed if a business case is made for employing persons with disabilities (strategic intervention 8).

It was further concluded that:

- **Conclusion 10:** Organisations do not have approved and clear written policies or guidelines on employing persons with disabilities.
- **Conclusion 11:** Existing policy or written guidelines are not utilised to guide disability management related decisions at work.
- **Conclusion 12:** Organisations do not have a disability office or a disability ombudsman to whom employees can report suspected discrimination or receive advice about disability issues.
- **Conclusion 13:** Human resources functions do not act as the primary resource for the disability initiative of organisations.
- **Conclusion 14:** Human resources professionals are not involved in formulating disability management policies for their organisations.
- **Conclusion 15:** Individuals responsible for managing the disability programme in organisations are not qualified and experienced for the task.
- **Conclusion 16:** Employees do not know who to contact when requiring information on disability management.
- **Conclusion 17:** The following key people in organisations are not sufficiently committed to disability management:
  - CEO/Director-General/Top Management.
  - Senior management.

- Middle management.
- Subordinates.
- Peers.

**Strategic interventions:** Firstly develop a human resource management framework to employ persons with disabilities (strategic intervention 6) and secondly create awareness of the legislative and policy framework (strategic intervention 4) and thereafter to monitor the implementation of the disability management strategy (strategic intervention 18). It is also suggested as best practice to establish a disability office or a disability ombudsman, preferably within the human resources function (strategic intervention 9). This will be the contact person on all disability related matters. The human resources function should also be empowered to act as the primary resource for the disability initiative in the organisation and be held accountable for this responsibility. Once the human resources function is held accountable for this responsibility the human resource professionals will respond by formulating disability management policy, create awareness and begin to action the other strategic interventions.

**Conclusion 18:** A focussed strategy to employ persons with disability does not exist.

**Strategic intervention:** Develop a human resource management framework to employ persons with disabilities (strategic intervention 6).

**Conclusion 19:** Training and development practices are not effectively presented to all employees resulting in the following constraints to the employment of persons with disabilities:

- Lack of awareness of disability management;
- training provided in disability management is not being used by the persons trained;
- persons with disabilities are not empowered to assert their rights in terms of disability management;
- work environments do not prioritise disability management; and

- disability management is not linked to the performance indicators of all managers at all levels.

**Strategic intervention:** Develop a focused training and development strategy which will assist to empower employers and employees (including those with disabilities) to manage disability effectively in the employment context (strategic intervention 11).

All levels of employees need to be involved in training regarding disability management, leading to the initiation of a culture change within the organisation. This change will naturally need many support systems, including support groups, ongoing research and benchmarking, change management strategies, policies and directives in line with legislation as well as capacity building procedures.

The training initiatives identified by respondents can be categorised into two main areas and various sub-areas namely:

- Disability sensitisation-
  - total awareness and understanding;
  - dealing with needs of persons with disabilities;
  - awareness of prejudices and stereotypes;
  - assisting persons with disabilities with matters related to transferring to wheelchairs, eating, filing, reaching and lifting items, draining of urinal bags and other physical needs;
  - different types of disabilities and an awareness of the specific individual difficulties experienced by the different types of disability;
  - motivating and inspiring persons with disabilities;
  - responding to emergencies;
  - office etiquette; and
  - time management.
- Human resource management related-
  - identification of training needs of persons with disabilities;

- identifying abilities of disabled persons during the recruitment process and thereafter (focussed on senior and middle level managers);
- medical and psychological testing;
- confidentiality and disclosure;
- employment planning and how to improve employment of persons with disabilities;
- summary of the TAG, legislation related to disability and employment;
- exhibition and exposure to assistive devices;
- assisting with career development of persons with disabilities;
- performance evaluation applicable to the employee as well as the supervisor;
- training that will improve the performance of persons with disabilities;
- case studies to show that it is not more expensive to employ people with disabilities;
- independence training, orientation and mobility training for persons with disabilities;
- mainstreaming of disability;
- universal design;
- good practice; and
- accessibility.

The role of the human resource management practitioner is critical in these processes and their level of training should therefore be such that they are “expert” in the abovementioned areas. This needs proper training in order to attain the required skills levels.

**Conclusion 20:** Performance management practice is inadequate in respect of persons with disabilities resulting in it being a constraint due to the following:

- Effective performance management systems are not in place.
- Performance management systems do not apply to all employees.
- Difficulties experienced by persons with disabilities are not understood by employers.

- Managers are not trained in managing the performance of persons with disabilities.
- Accessibility and reasonable accommodation impact on the performance of persons with disabilities.
- Clarity does not exist whether the same or different performance standards must apply to persons with disabilities.
- Assessments are not conducted objectively by managers.

**Strategy to address the constraint:** The strategic objective suggested to address this constraint is to develop a focussed performance management strategy which strategically aligns performance management with disability management (strategic intervention 12). The policy should clearly indicate which performance standards should apply to employees with disabilities. It is recommended that a practical approach should be followed namely that where a disabled employee could be reasonably accommodated the performance standards should be considered as part of the reasonable accommodation process. This suggests that performance standards should be adjusted to accommodate a person with disabilities, where necessary.

**Conclusion 21:** Recruitment and selection practices are inadequate and not strategically aligned resulting in it being a constraint due to the following:

- Adverts are not accessible to persons with disabilities;
- adverts do not target persons with disabilities;
- selection processes are not seen as credible by persons with disabilities;
- persons with disabilities are not being reasonably accommodated during the selection process;
- job design is not considering persons with disabilities adequately to provide for their unique circumstances; and
- managers and supervisors do not understand disability resulting in deciding not to employ persons with disabilities due to negative perceptions they may have of persons with disabilities.

**Strategic intervention:** Develop a focussed recruitment and selection strategy to strategically align the recruitment and selection process with the objectives of disability management (strategic intervention 10).

**Conclusion 22:** Retention and exit management strategies are not utilised in disability management resulting in it being a constraint due to the following:

- Inconsistent treatment of employees with disabilities and not disabled employees;
- reasonable accommodation and rehabilitation of employees who become disabled are not effectively dealt with;
- the reasons why employees leave employment are known but little is done to correct it resulting in persons with disabilities not being retained; and
- employment equity strategies are not aligned resulting in persons with disabilities not being affirmed.

**Strategic intervention:** Develop focussed retention and exit management strategies to strategically align retention and exit management with the objectives of disability management (strategic intervention 13).

**Conclusion 23:** Labour relations management strategy is inadequate resulting in it being a constraint due to the following:

- Human resource management practitioners and union officials do not prioritise disability management and the rights of persons with disabilities; and
- the rights and the unique circumstances of persons with disabilities are not recognised resulting in the labour relations processes not providing for persons with disabilities.

**Strategic intervention:** Develop a focussed labour relations management strategy to align labour relations management practice with the demands of disability management (strategic intervention 14).

**Conclusion 24:** The lack of strategic focus of employers on disability management constrains the employment of persons with disabilities.

**Strategic intervention:** Two strategic outputs are suggested to manage this constraint namely to develop a business case to employ persons with disabilities (strategic intervention 8) and to develop a scorecard to encourage compliance with disability management (strategic intervention 15).

**Conclusion 25:** The role of human resource management practitioners is not clearly defined in terms of disability management resulting in them not prioritising persons with disabilities as a designated group in terms of the EEA.

**Strategic intervention:** Develop a clear role definition for human resource management practitioners in terms of disability management (strategic intervention 16).

**Conclusion 26:** Reasonable accommodation is not clearly defined in the employment context resulting in it being a constraint due to the following:

- Persons with disabilities are not being reasonably accommodated because employers do not have policy documents in place to guide them in making decisions in providing reasonable accommodation to employees;
- the perception which exists that reasonable accommodation is costly and would result in undue hardship to employers, is a constraint;
- office buildings are generally not disability friendly resulting in a constraint to employ persons with disabilities and those that are employed, not being able to work effectively; and
- inherent job requirements are generally not defined, resulting in persons with disabilities not being employed or being employed in positions not suitable to their specific disabilities.

**Strategic intervention:** The strategic output suggested is to develop a focussed reasonable accommodation policy that would address the identified constraints which

specifically focus on mental and physical attributions of a task, the reduced functional capacity of each disability as well as the practical job accommodating measures (strategic intervention 17).

**Conclusion 27:** Progress with the implementation of disability management programmes are not being monitored resulting in slow progress with implementation and a lack of strategic focus.

**Strategic intervention:** Develop and implement a focussed monitoring and evaluation framework for disability management (strategic intervention 18).

The strategic interventions as discussed above responds to the second part of the main research objective. The strategic interventions are consolidated in Table 99 below and serve as the integrated human resource management strategy to employ persons with disabilities:

**Table 99: Presentation of the strategy to employ persons with disabilities**

STRATEGIC INTERVENTION NO	DESCRIPTION OF STRATEGIC INTERVENTIONS
1.	Reword the definition of persons with disabilities to achieve clarity of terms, identification of categories and levels of disability.
2.	Develop guidelines to the accessibility requirements and reasonable accommodation for persons with disabilities: 2.1. Development of organisational guidelines for reasonable accommodation; and 2.2. implementation of the NBR by employers.
3.	Initiate workplace programmes which cause disability to be viewed in terms of the quality of the life of a person with disabilities.
4.	Create awareness of the legislative and policy framework.
5.	Enforcement of the implementation of the legislative and policy frameworks by top management.
6.	Develop a human resource management framework to employ persons with

<b>STRATEGIC INTERVENTION NO</b>	<b>DESCRIPTION OF STRATEGIC INTERVENTIONS</b>
	disabilities.
7.	Set fair and equitable employment targets for persons with disabilities.
8.	Develop a business case for employing persons with disabilities.
9.	Establish a disability office or a disability ombudsman, preferably within the human resources function.
10.	Develop a focussed recruitment and selection strategy to strategically align the recruitment and selection process with the objectives of disability management.
11.	Develop a focused training and development strategy to empower employers, employees (including those with disabilities) to manage disability effectively in the employment context.
12.	Develop a focused performance management strategy which strategically aligns performance management with disability management.
13.	Develop focussed retention and exit management strategies to strategically align retention and exit management with the objectives of disability management.
14.	Develop a focussed labour relations management strategy to align labour relations management practice with the demands of disability management.
15.	Develop a scorecard to encourage compliance with disability management.
16.	Develop a clear role definition for human resource management practitioners.
17.	Develop a focussed reasonable accommodation policy that would address the identified constraints.
18.	Develop and implement a focussed monitoring and evaluation framework for disability management.

### 10.3 REFLECTION AND RECOMMENDATIONS

Emanating from the preceding chapters it is concluded and acknowledged that employers face their own complex circumstances and realities in their working environment. These complexities and realities are risks which cause constraints preventing the employment of persons with disabilities. The main objectives of this research were to identify the constraints to the employment of persons with disabilities, and to develop an integrated human resource management strategy to enhance the

employment of more persons with disabilities in South African organisations. The development of this strategy was based on the constraints experienced by persons with disabilities in finding employment.

Persons with disabilities experience that they live in a hostile, disabling world which is largely designed to suit people who are not disabled (<http://www.info.gov.za/view/DownloadFileAction?id=70265>). Constraints do differ from situation to situation and employers should understand the external factors which persons with disabilities need to deal with on a daily basis.

It is necessary to manage these constraints to ensure that more persons with disabilities are employed. The importance of creating jobs and wealth for persons with disabilities is derived from the fact that it impacts directly on their quality of life, self-worth, self-reliance, the distribution of resources and empowerment. Persons with disabilities are regarded as the poorest of the poor and are generally employed in inferior positions, if they are employed.

As discussed in Chapter 2, a human resource management strategy expresses the intentions of an organisation about how it should manage its human resources. These intentions provide the basis for plans and programmes for managing change. Human resource management professionals should ask, in respect of disability management, what sort of people do their organisations need in the business to achieve its mission and how can persons with disabilities contribute, how can the required changes to the culture and value system be achieved and what are the implications of those plans for the future structure, human resource management systems and resource requirements (Brewster *et al* 2008:80).

The employment of persons with disabilities is presently a situation driven imperative (required by the EEA) but it should rather become an aspiration driven imperative which comes from within organisations because, it is the right thing to do (Swamy 2007 as in Brewster *et al* 2008). A disability management strategy suggests consistent behaviour

from human resource management practitioners and managers to change the negative perceptions which may exist in employing persons with disabilities and to ensure that the strategy is implemented in a dedicated manner.

Certain environmental factors may play an enabling role in the implementation of the disability management strategy. The environmental factors may be either internal or external to the workplace. The internal factors fall within the ambit of responsibility of certain role-players within the workplace while the external factors require action from government and other external stakeholders.

The growing of the economy is an important aspect in the employment strategy. Increased economic growth would create more employment opportunities and would allow more persons with disabilities to find employment. Yet, the environment within which the disabled person applies for these positions must allow them to compete fairly for these jobs.

The research confirmed that accessibility of buildings is a critical environmental factor to be addressed. It is not only the physical accessibility but also improved access to technology and knowledge-based activities. The below average education levels of persons with disabilities (Table 24) is a constraint in employment marketability. It is, therefore, essential to instil the importance of education to all South Africans, but specifically to persons with disabilities as this would allow persons with disabilities to compete in a very competitive labour market.

Strict enforcement of the NBR is, however, a requirement for success of this strategy.

South Africa would have to develop sensitivity to the constraints persons with disabilities face, especially in relation to employment whereas sensitivity in this regard is one of the most important environmental factors to ensure that the overall objectives of the strategy are achieved.

The sensitivity can be created by branding disability management in a manner which creates awareness, understanding and which alleviates negative perceptions (by both persons with disabilities and not disabled persons). Disability management must therefore become a social issue.

The institutional efficiency of government is not adequate to ensure the full implementation of the strategy (as set out in the relevant policy documents and legislation, including the ICRPD) within government (for government as an employer) and by government who through employment equity reporting should monitor employers of progress made. Sufficient capacity should be created within government to effectively monitor the implementation of the policies and practices established with regard to disability management.

The leadership of South Africa must visibly demonstrate their commitment to disability management. Political, government and business leaders should set the direction and dictate the pace in transforming the present disability scenario. The leadership should become actively involved in the transformation process by addressing the public to create a positive business case for disability management, including the employment of persons with disabilities.

Legislation and policy could also enhance the implementation of disability management related matters.

It is recommended that certain areas should be researched further to ensure that disability management is properly entrenched in South Africa.

The South African disability management model (socio-political) is described as that it is located in the social environment supported at a political level and driven by the community of persons with disabilities. It takes cognisance that disability is a social construct and that most negative impacts are inflicted upon persons with disabilities by their social environment. This model is relatively new and needs to be researched

further and defined clearly. Similarly the integrative model, which includes a broad knowledge base ranging from medicine to literature which is informed by the experience of persons with disabilities, is still being construed and should be properly researched.

As discussed in Chapter 6 (Table 23) it was observed that the age profile of the disabled population indicates a steady increase from the lower age groups to the age category of 40-49 years of age. Below the age of 40 years more males are disabled while above the age of 40 more females are disabled. This trend is requiring further research since it could mean that more females are becoming disabled beyond the age of 40 years or it could mean that in future generations this trend could change by more men becoming disabled beyond the age of 40 years, as the population grows older (Prevalence of Disability 2005:12). Clarity through further research will assist employers and the human resource management profession with future scenario planning.

Considering the number of employees with disabilities employed by the respondents' organisations and the strong trend identified in the use of the same selection criteria, this (the selection criteria) was not identified as a constraint in the employment of persons with disabilities. It would be interesting to have known how a non-purposive sample would have responded to this question. This is an area which could be interrogated in future research.

The analysis of the US and the UK disability management frameworks indicated that both countries have a single comprehensive disability management act and code. Research could be conducted whether this is the reason why these two countries have achieved much success in terms of high levels of employment of persons with disabilities. Certainly, from the research it appears to be the case but empirical research should be conducted to determine the drivers of these two disability management frameworks. The latest developments in the UK with general legislation to protect vulnerable groups replacing the DDA would, although little is known about it at present, guide practitioners to determine which approach is more effective over time.

The research that was performed in the USA with regards to the cost of reasonable accommodation was very useful to properly contextualise the cost of reasonable accommodation. It will be similarly useful for this research to be performed in the South African context. Accessibility and reasonable accommodation were identified as critical constraints and further research will assist to demystify these aspects.

The question raised whether the payment of the disability grant have a direct negative impact on the employment of persons with disability should be researched to determine what the answer is to the question.

Research could also be conducted on the status of the implementation of the ICRPD in South Africa. Due to the fragmented nature of the South African disability management framework, this is a topic which should be thoroughly researched from a legal and a practical viewpoint. South Africa completed a report on the status of the implementation of the ICRPD to the UN. At the time of finalisation of this research the report was still classified and could therefore not be used.

Much of this research is dedicated to the definition of disability. Although some authors hold the view that a single definition of disability will not be found, it is critical for the human resource management profession to have a clear definition of disability. The reworded definition of Jahiel (2007) as discussed earlier in this chapter could be developed further to determine its relevance to disability management.

The remaining reflection is whether the research is making a contribution to the field of study of human resource management and labour relations management specifically. South Africa has a comprehensive disability management framework as discussed in Chapter 5. The reasons why the employment of persons with disabilities is so low cannot be blamed on the absence of a policy framework. This research has succeeded to identify 27 constraints to the employment of persons with disabilities and 18 strategic interventions which are intended to mitigate the constraints. It is now up to managers

and human resource management practitioners to understand the constraints in their own work environments and implement the strategic interventions identified as part of this research.

The research therefore contributes to the body of knowledge of the human resource management and labour relations fields of study. The specific contributions relates to the establishment of an extensive body of knowledge through the literature review for the labour relations and human resource management fields of study. It clarifies terminology through specific constructs relevant to disability management and labour relations and human resource management. The research positioned disability management as a part of the South African legal and policy framework, in an employment context.

The research also contributed to research methodology through the completion of a unique research questionnaire for South African conditions.

The research also has great application value. From the identified constraints a strategy has been developed for use by labour relations and human resource management practitioners in increasing the employment number of persons with disabilities.

This research attempted to create a balanced view between the realities that employer's face and those faced by persons with disabilities. Should this research succeed to raise awareness of the cause of persons with disabilities a significant difference can be made to the employment figures of persons with disabilities.

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