



Assessment on Disability Equity in the Public Service

Public Service Commission

January 2008

Vision

The Public Service Commission is an independent and impartial body created by the Constitution, 1996, to enhance excellence in governance within the Public Service by promoting a professional and ethical environment and adding value to a public administration that is accountable, equitable, efficient, effective, corruption-free and responsive to the needs of the people of South Africa.

Mission

The Public Service Commission aims to promote the constitutionally enshrined democratic principles and values of the Public Service by investigating, monitoring, evaluating, communicating and reporting on public administration. Through research processes, it will ensure the promotion of excellence in governance and the delivery of affordable and sustainable quality services.

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Published in the Republic of South Africa by:

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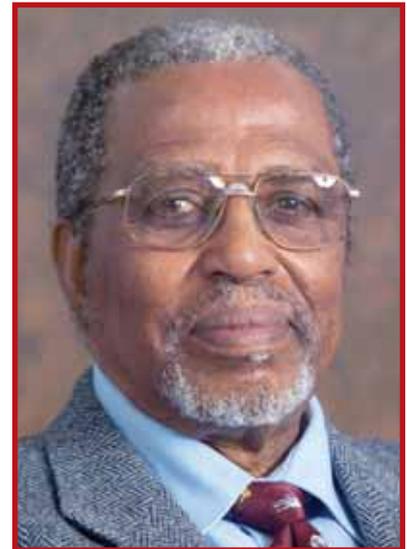
Compiled by Branch: Investigations and Human Resource Reviews

Distributed by Directorate: Communication and Information Services
Printed by: Blackmoon Advertising
ISBN: 978-0-621-37766-8
RP: 50/2008



FOREWORD

One of the main objectives of the Constitution of Republic of South Africa, 1996, is to achieve equality in the lives of the country's citizenry. The Bill of Rights enshrined in the Constitution, in particular, prohibits discrimination on various grounds including disability. The Public Service as the vehicle through which government addresses the needs of the community that it serves should set an example by creating a work environment that is free of discrimination and representative of the demographic profile of the country at large.



The Public Service Commission (PSC) has paid particular attention to disability equity through its monitoring and evaluation of representativeness in the Public Service. Studies conducted by the PSC in 1999, 2002 and 2005 have found that whilst progress has been made in achieving equity in terms of race and gender in the Public Service many government departments have not met the 2% equity target set by Cabinet for persons with disabilities. In 1999 the disability equity figure was 0.09%. This increased to 0.3% in 2002 but subsequently decreased to 0.2% in 2005. Despite the PSC's findings on disability equity and the fact that a comprehensive legal and regulatory framework has been in place to guide departments in this regard, departments have not acted to ensure that the situation is improved. The PSC is therefore of the view that drastic intervention is required. In achieving disability equity a key challenge for government departments would be to move beyond targets by ensuring that an environment conducive to the employment of persons with disabilities is created.

In order to have a better and more grounded appreciation of the challenges departments faced in achieving disability equity, the PSC decided to hold inquiries with Heads of Department as the persons ultimately accountable for ensuring employment equity. Not only did such inquiries allow for deeper interaction with Heads of Department, it also allowed people with disabilities to come into contact with key decision-makers and present a personal and lived experience of their difficulties. The participation of the Secretary-General (SG) of the Disabled People of South Africa, Mr M ka Toni, as a member of the inquiry panel proved invaluable in the achievement of these goals. The PSC is further appreciative of the time set aside by Heads of Departments and their officials to give attention to this important transformation imperative of government through the attendance of the inquiries.

The findings of this Assessment should provide all stakeholders with a better understanding of the obstacles faced by departments in ensuring that disability equity is achieved and the strategies that could be employed in overcoming such challenges.

A handwritten signature in black ink that reads "Sangweni". The signature is stylized and cursive.

PROF SS SANGWENI
CHAIRPERSON: PUBLIC SERVICE COMMISSION

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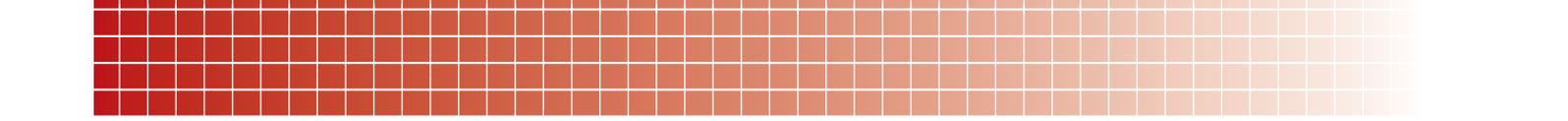
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GLOSSARY OF ABBREVIATIONS

AA	Affirmative Action
DPSA	Disabled Persons of South Africa
EEA	Employment Equity Act
HoD	Head of Department
MTEF	Medium Term Expenditure Framework
PERSAL	Personnel and Salary Administrative System
PSC	Public Service Commission
SMS	Senior Management Service



Executive summary

1. INTRODUCTION

The dream of a democratic society which acknowledges and protects the rights of all its citizens to be treated equally regardless of race, gender or disability was realised through the election of the first democratic Government of South Africa in 1994. Government was charged with the responsibility of translating this dream into reality by ensuring through its legislation, policies and programmes that the citizens of South Africa reap the benefits of equity. In pursuing its mandate in this regard, Government placed equity high on its transformation agenda.

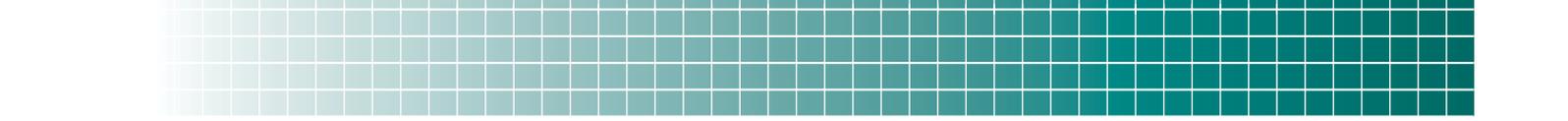
Achieving equity is as important in the Public Service as it is in the society at large as the Public Service should represent a micro-cosm of the society that it serves. The importance of equity in the Public Service is underscored by the Constitution of the Republic of South Africa, 1996 (the Constitution) and is enforced by subordinate legislation and policies. In order to achieve employment equity, departments are required to ensure that the workforce of the Public Service represents the demographics of the country and that the work environment takes advantage of the talents and potential of its employees.

In pursuance of its Constitutional mandate, the Public Service Commission (PSC) has actively monitored the extent to which the Public Service has succeeded in meeting the required employment equity targets. The PSC found that significant progress has been made in ensuring equity in terms of race and gender. However, little progress, if any, has been made in achieving the disability equity target of 2% set by Cabinet and the White Paper on Affirmative Action, 1998.

The PSC therefore decided to conduct this assessment to better understand the challenges and successes encountered by Public Service leadership in achieving disability equity. The objectives of this assessment were to:

- Determine the South African context in terms which disability equity has to occur.
- Determine what progress has been achieved by national and provincial departments in terms of the employment of persons with disabilities.
- Identify the major challenges in employing and retaining persons with disabilities in the Public Service.
- Determine what good practices in terms of the employment of persons with disabilities are applied by departments.
- Propose measures to improve disability equity.

The assessment was conducted in selected national departments and provincial administrations. Data were drawn from Vulindlela on the number of persons with disabilities employed by national departments and provincial administrations as at September 2006. An initial analysis of the data was conducted in order to choose a sample of 9 national departments and 5 provincial administrations to participate in the assessment. The sample included departments that were significantly below meeting the target set by Cabinet and departments that had made significant progress towards achieving the target or had met the target already. This enabled the PSC to focus on challenges as well as successes.



Given the complexities involved in achieving disability equity, the PSC deemed it appropriate to apply a methodology during this assessment that would facilitate interaction with leadership responsible for ensuring that the employment equity imperatives of Government are implemented. It was therefore decided to conduct formal inquiries with Heads of Department in terms of section 10 (1) of the Public Service Commission Act, 1997, during which the challenges they experienced in the employment of persons with disabilities could be discussed and analysed. This approach is a landmark event for the PSC as it is the first time that it has used its powers to conduct formal inquiries to assist it with an assessment of a public administration practice. An analysis of the legislative framework that informs disability equity was also conducted and data was collected from Vulindlela and departments on the numbers of persons with disabilities employed.

2. OVERVIEW OF DISABILITY EQUITY IN SOUTH AFRICA

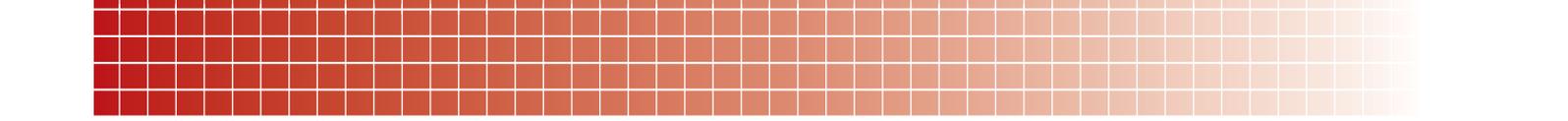
The PSC in its findings on Disability Equity in the Public Service noted that at the time of the investigation in 2002, there were no standardised definition as what constitutes disability within the Public Service and no measuring instruments and criteria for determining disability. This led to interpretational problems for the departments in identifying persons with disabilities. The Job Access Strategy 2006-2010 adopted by Cabinet has attempted to address these concerns by adopting the following more detailed definition of disability: "The loss or elimination of opportunities to take part in the life of the community equitably with others that is encountered by persons having physical, sensory, psychological, developmental, learning, neurological, or other impairments, which may be permanent, temporary, or episodic in nature, thereby causing activity limitations and participation restriction with the mainstream society. These barriers may be due to economic, physical, social, attitudinal and/or cultural factors".

Disability Equity is a transformation imperative of Government as espoused in the Constitution, 1996. According to section 9(3) of Chapter 2 (the Bill of Rights) of the Constitution, 1996, dealing with equality, the state may not unfairly discriminate directly or indirectly against anyone in terms of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. It is the view of the PSC that the inclusion of disability equity in the Bill of Rights underscores its status as a human rights issue and thus the violation of the rights of persons with disabilities should be regarded as a human rights violation.

Through the Census data gathered by Statistics South Africa, Government is provided with information on the distribution of all segments of South Africa's population including persons with disabilities. The latest Census data available is that of 2001 which indicates that there were 2 255 982 people with various forms of disability in South Africa. The number constituted 5% of the total population enumerated in the census.

As at 2001, there were 600 328 economically active persons with disabilities in South Africa. This figure includes persons with disabilities that are employed or are seeking employment. In terms of Statistics South Africa, a total of 313 780 of the economically active persons with disabilities have not secured employment. If this is the case then the pool of possible candidates amongst persons with disabilities that could be recruited for employment in the Public Service is quite sizable.

From the information obtained from the Census of 2001, the exact figure of economically active persons with disabilities could not be accurately calculated. It is quite possible that a proportion of the persons with disabilities in respect of which economic activity was not indicated are in fact not economically active. The actual figure of economically active persons with disabilities could be between 1.33% (600 328: Persons with Disabilities that have been identified as economically active) and 2.9% (1 313 775: Persons with Disabilities that have been



identified as economically active + Persons with Disabilities whose economic activity was not indicated). An average of these two figures should provide a more realistic picture of the target that should be reached to achieve disability equity. This average amounts to 2.1% (957 051) which matches closely with the target of 2% set by Cabinet for the Public Service.

3. STATISTICAL OVERVIEW OF DISABILITY EQUITY IN THE PUBLIC SERVICE

The most prominent indicator of the extent to which the Public Service has achieved disability equity will always first be the extent to which the number of persons with disabilities employed mirrors the demographic profile of the society that it serves. Whilst recognising that disability equity involves more than just employing persons with disabilities, and includes the establishment of a work environment conducive to their employment and development, the actual number of persons with disabilities attracted to the Public Service should be indicative of the extent to which an enabling work environment has been created. It is therefore important to determine the progress that the Public Service has made in achieving numeric disability equity since the first investigation conducted by the PSC in 1999.

The PSC found in its investigation on the State of Representativeness in the Public Service conducted during 1999 that a disability equity figure of only 0.09% had been obtained at that time. This figure improved to 0.3% in 2002 but again decreased to 0.15% in 2005. Instead of improving disability equity, the Public Service was actually regressing. Since 2005 there has been little progress as witnessed by figures obtained from Vulindlela in respect of the status as at April 2005 and October 2007.

As at October 2007, the Public Service had only achieved a 0.02% increase in its representivity of persons with disabilities from April 2005. As at October 2007 persons with disabilities only constituted 0.2% of the total workforce. Improvements in the figures were observed in the Western Cape (an improvement of 0.1%), Mpumalanga (an improvement of 0.1%), and the Free State (an improvement of 0.17%). Based on these figures, however, there are real concerns that the target of 2% set by Cabinet for 31 March 2010, will not be achieved. A further 19823 persons with disabilities (0.18%) will have to be appointed to achieve the disability equity target of 2%.

4. CHALLENGES IN THE EMPLOYMENT OF PERSONS WITH DISABILITIES

During the disability inquiries the PSC focused extensively on the challenges that departments faced in recruiting and retaining persons with disabilities. What emerged from the inquiries was that the employment of persons with disabilities involved far more than what is normally contained in recruitment and selection strategies. It requires a unique approach that has to go beyond securing employment for persons with disabilities but also involve the creation of an environment that caters for the unique needs of persons with disabilities to ensure that they are productively employed. The disability inquiries provided rich debate on the complexities involved in employing persons with disabilities and the participants, including the PSC, obtained a better understanding of the obstacles that must be addressed in ensuring disability equity. The involvement of the Secretary-General of the Disabled People of South Africa during the inquiries contributed in no small measure to the debate. The inputs of Heads of Department provided insight from a management perspective on the challenges experienced in employing persons with disabilities that would not have been obtained had the PSC relied on the written responses to its questionnaire. The following challenges were highlighted:

- **Disability is not clearly defined** and as a result departments experience difficulties in identifying persons with disabilities;
- **There is a lack of employment equity plans**, resulting in inadequate planning for the achievement of disability equity;
- **Inadequate recruitment and retention strategies are applied**, with the focus on normal advertisement practices thereby excluding potential candidates with disabilities;
- **Links with organisations representing persons with disabilities are not optimised**, and are mostly based on informal relationships resulting in the desired pool of persons with disabilities not being reached for recruitment;
- **Public servants disabled as a result of injuries sustained are not rehabilitated** and as such their services to the Public Service is lost through early ill-health retirement;
- **Persons with disabilities do not apply for posts** as they are not aware of such posts existence or do not view the Public Service as an employer of choice;
- **There is an inability to attract suitably qualified and skilled persons with disabilities**, in certain specialised occupations or where the posts attached to occupations have specific physical demands associated;
- **Persons with disabilities are reluctant to disclose their status** as a result of fears of stigmatisation and victimisation;
- **Inadequate management information on persons with disabilities** is available for monitoring and evaluation purposes as persons with disabilities are not captured on PERSAL due to difficulties with the field created on PERSAL for this purpose;
- **Job hopping within the public service results in retention problems** as departments poach persons with disabilities from each other to promote their disability equity figures;
- **Management faces multiple implications associated with employing persons with disabilities**, due to the unique needs of persons with disabilities that have to be accommodated and the associated costs involved that are not budgeted for;
- **Persons with disabilities are marginalised by management** by not involving them in management decisions and by not ensuring that they have accessibility to management meetings;
- **There is poor accessibility for persons with disabilities** in respect of buildings and workplace ergonomics;
- **Good practices are being applied by departments** through disability awareness campaigns, audits of accessibility and adequate accommodation, affirmative recruitment practices and capacity building; and
- **The inherent “cost implications” of appointing persons with disabilities** is a great challenge as departments do not have adequate financial resources to cater for the needs of people with disabilities within the workplace.

5. GOOD PRACTICES IN PROMOTING DISABILITY EQUITY

Departments did not only reflect on challenges experienced but also reported good practices. These included the conducting of audits to determine accessibility for persons with disabilities, comprehensive awareness programmes, bursaries to persons with disabilities, utilisation of learnership programmes and affirmative recruitment practices.

6. RECOMMENDATIONS

Emanating from the findings of the assessment the following recommendations are made:

Creating awareness

Departments need to ensure that disability awareness becomes a critical function within Human Resource Management through the assignment of such responsibility to the relevant Senior Manager responsible for Human Resource Management. The Human Resource Management component should embark on extensive disability awareness campaigns focusing on all aspects associated with the employment of persons with disabilities. Not only should this function be restrictive to HRM it should also become the responsibility of all line managers. This will assist with the reluctance of employees to disclose their disability status due to stigmatisation as well as create a disability friendly environment. The assistance of organisations representing the disabled can be obtained to assist developing the contents of such programmes.

An integral part of awareness campaigns should be the education of managers around the requirements of targeted recruiting mechanisms and the practical implications of employing persons with disabilities such as reasonable accommodation and workstation requirements.

Improved recruitment practices

Advertisements need to explicitly target persons with disabilities by indicating that persons with disabilities will receive preference during selection. The wheel chair emblem must be included on all such advertisements. The type of job and functions as well as the minimum requirements for employment must also clearly be defined in the advertisement so as to ensure that persons with disabilities are able to determine whether they are qualified to perform in the relevant post.

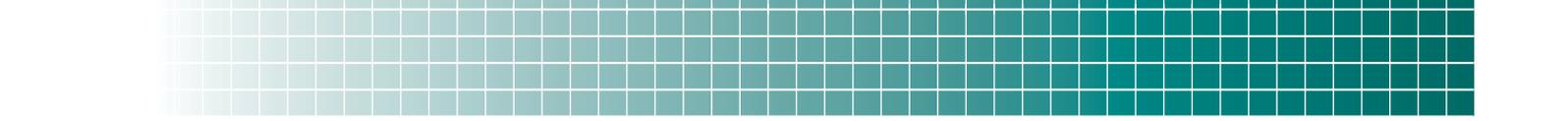
Alternative advertising methods in the media should be explored such as the radio especially to target persons with visual impairments. Links with organisations representing persons with disabilities should also be fostered to create access to persons with disabilities.

At provincial level a Job Access event should be held during which managers can meet potential candidates in their region and elaborate on employment opportunities in their departments. Promotional material must also be developed that displays the Public Service as an employer of choice to persons with disabilities.

Accelerating skills development amongst persons with disabilities

In order to meet the 2% target departments need to put in place internships and learnership programmes to afford persons with disabilities the opportunity to obtain the necessary skills to assist them in securing employment. The granting of bursaries to employees with disabilities should be considered in order to ensure that such employees are afforded an opportunity of progression within the department once qualified.

Departments must continuously monitor whether persons with disabilities receive proportional shares of work assignments and training opportunities to ensure that their development is given the required attention when measured against normally abled staff.



Institutes of Higher Learning should consider awarding preferential bursaries to persons with disabilities in respect of highly technical and professional fields consistent with the nature of the disability.

Resource Allocations

Departments need to allocate adequate resources in their Medium Term Expenditure Framework for the provision of an enabling environment for persons with disabilities. Such allocations should take into consideration the costs associated with the purchasing of assistive devices and furniture and other work facilities that meets the needs of persons with disabilities.

Development of a Central Database for persons with disabilities

A central database needs to be developed in each Province to enable national and provincial departments to source candidates with disabilities. Departments must co-operate with organisations for disabled persons in the developing such a data base.

Commitment by Senior Managers to promote Disability Equity

To increase the commitment of senior managers on disability issues, disability equity needs to be included in the performance agreements of all senior managers within a department as a strategic priority under the Core Management Competencies of Change Management and People Management and Empowerment.

Development of Retention Strategies

It is evident from the findings that many departments have no retention strategies in place specifically focusing on persons with disabilities. It is imperative that departments develop such strategies in order to meet and maintain their equity targets. As part of the retention strategies departments should conduct entrance and exit interviews with persons with disabilities to establish what attracted them to the department and why their services could not be retained.

Development of Strategic Partnerships

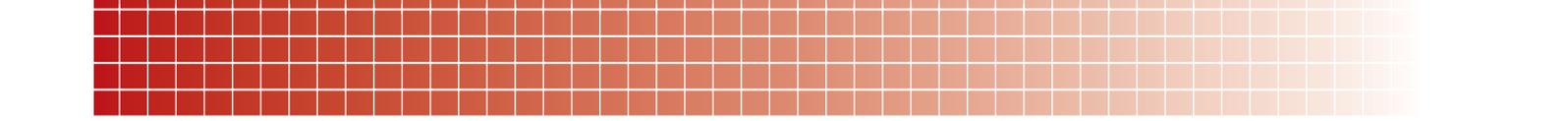
Strategic and ongoing partnerships need to be forged with organisations for disabled persons as well as Institutions of Higher Learning for the recruitment of disabled graduates. Such links should ensure that people of various disabilities are reached and provided with opportunities to apply for employment. Organisations representing the disabled can also assist with the development of departmental programmes on recruitment and awareness.

Simplifying the field on PERSAL

National Treasury should consider simplifying the field on PERSAL on which persons with disabilities are identified. Only the nature of the disability should be required and departments should not be reliant on medical reports for the identification process.

Employment Equity Plans

It is imperative that all Departments have the approved EE plans in place and those that do not comply with this are penalised by the Department of Labour.



7. CONCLUSION

It is trusted that the findings and recommendations of this report will assist departments to put in place mechanisms and interventions to address the shortcomings in the recruitment and retention of persons with disabilities. It is evident from this study that organisational cultures need to be revisited and changes made to address the manner in which we work in order to reshape policies and programmes to eliminate those attitudes and behaviors that allow for disability inequalities to be perpetuated. Such a change in attitude should view disabled persons as equally economically active as any other person thus leading to inclusiveness rather than marginalisation.

Through this report, the PSC would like to believe that it has finally put to rest the notion that disability equity is only about setting and achieving numeric targets. There is much to be done to ensure disability equity in the Public Service. Putting policies and processes in place is but one strategy that needs to be strengthened. A change of attitudes and behavior will create the commitment to put in operation such policies and processes in practice.

Chapter One

INTRODUCTION

1.1 BACKGROUND

The dream of a democratic society which acknowledges and protects the rights of all its citizens to be treated equally regardless of race, gender or disability was realised through the election of the first democratic Government of South Africa in 1994. Government was charged with the responsibility of translating this dream into a reality by ensuring through its legislation, policies and programmes that the citizens of South Africa reap the benefits of equity. In pursuing its mandate in this regard, Government placed equity high on its transformation agenda.

Achieving equity is as important in the Public Service as it is in the society at large as the Public Service should represent a micro-cosm of the society that it serves. The importance of equity in the Public Service is underscored by the Constitution of the Republic of South Africa, 1996¹ (the Constitution) and is enforced by subordinate legislation and policies. In order to achieve equity, departments are required to ensure that the workforce of the Public Service represents the demographics of the country and that the work environment takes advantage of the talents and potential of its employees. Targets for the achievement of employment equity in the Public Service have been set through the White Paper on Affirmative Action, 1998², and were reviewed by Cabinet in 1999 and in 2006. These targets identified three main components of equity namely race, gender and disability.

In pursuance of its Constitutional mandate, the Public Service Commission (PSC) has actively monitored the extent to which the Public Service has succeeded in meeting the required employment equity targets. The PSC found that significant progress has been made in ensuring equity in terms of race and gender. However, little progress, if any, has been made in achieving the disability equity target of 2% set by Cabinet and the White Paper on Affirmative Action, 1998³.

1.2 INVESTIGATIONS INTO DISABILITY EQUITY

The White Paper on Affirmative Action, 1998⁴ was the first policy framework that extensively dealt with achieving representativity in the Public Service. It set clear targets that had to be achieved. Realising the importance of equity as a transformation imperative, the PSC conducted an investigation in 1999 into the State of Representativeness in the Public Service⁵. A Report containing findings and recommendations which focused on all the target groups mentioned in the White Paper namely gender, race and disability was published in 2000. It was found that a mere 915 persons with disabilities were employed in the Public Service out of a total workforce of 1 034 245 at the time. This represented a disability equity figure of 0.09% which fell well short of the 2% target that was to be achieved by 1999. The investigation conducted in 1999 drew the PSC's attention to the lack of progress made in achieving disability equity and raised concerns about the Public Service's ability to achieve the target of 2% set by Cabinet for 2005. In its observations the PSC indicated that the target of 2% to be attained by 2005 would not materialise unless the recruitment drive of persons with disabilities is significantly increased⁶.

As a result of the above investigation the PSC recognised that disability equity had to be closely monitored and evaluated. It therefore prioritised disability equity and to this end followed up its 1999 investigation with an investigation focusing specifically on disability equity in the Public Service. The Report on Disability Equity in the South African Public Service, 2002⁷ found that only 0.3% of the Public Service's workforce at that stage were persons with disabilities which was still significantly below the target of 2% that Cabinet had set to be achieved by 2005. The PSC stated in this report that "significant improvement needs to be made in this regard if the target of 2% is to be achieved by 2005". Apart from the PSC's concerns regarding the achievement of the numerical target it also found serious inefficiencies in the employment of persons with disabilities. Employment opportunities

1 *Republic of South Africa. The Constitution of the Republic of South Africa, Act No. 108 of 1996.*

2 *Republic of South Africa. White Paper on Affirmative Action, 1998.*

3 *Republic of South Africa. White Paper on Affirmative Action, 1998.*

4 *Republic of South Africa. White Paper on Affirmative Action, 1998.*

5 *Republic of South Africa. Public Service Commission, State of Representativeness in the Public Service, 2000.*

6 *Republic of South Africa. Public Service Commission, State of Representativeness in the Public Service, 2000.*

7 *Republic of South Africa. Public Service Commission, Disability Equity in the South African Public Service, 2002.*

within the Public Service were limited for persons with disabilities and, where they were employed, departments displayed a general lack of understanding of the challenges facing them. Due to the lack of understanding of the special needs of persons with disabilities the work environment was unsupportive of persons with disabilities by not providing the necessary assistive devices which culminated in the poor integration of persons with disabilities into the work place. Organisations representing persons with disabilities were further of the opinion that more creative and innovative recruitment procedures need to be adopted for persons with disabilities in the Public Service.

Given the PSC's concerns about the achievement of equity in general, and disability equity in particular, the PSC decided to conduct an Audit on Affirmative Action in the Public Service⁸. Through the 2006 Audit, the PSC again monitored and evaluated the extent to which the Public Service had met the targets set by Cabinet in 2005. An alarming finding of the Audit was that only 1505 out of 996 734 employees in the Public Service at the time were persons with disabilities. This translated to approximately 0.2%, which is 0.1% less than that reflected in 2002. Instead of making progress towards achieving disability equity, the Public Service had actually regressed. The PSC indicated in its findings that "both national and provincial departments are faced with a mammoth task of ensuring that this target is met"⁹. The lack of progress in achieving the numerical target was not surprising given the finding that departments do not conduct surveys to identify barriers in fulfilling equity requirements and that leadership responsible for overcoming such barriers was not adequately empowered to do so. An indication of the lack of leadership involvement was the finding that mentoring and coaching was not applied by nearly half of the departments. The development of the target groups is a requirement of the White Paper on Affirmative Action of 1998 and it is alarming that a crucial enabler such as mentoring and coaching was not being applied to assist persons with disabilities with their orientation to their new work environment. It was also found that physical infrastructural barriers were still prevalent and thus inhibited the accommodation of persons with disabilities.

The research findings and concerns of the PSC around disability were also echoed in research conducted into by the Office on the Status of Disabled Persons in the Office of the Presidency during 2000. The research focused on 18 national departments and found that nine of these departments have employed less than 1% persons with disabilities which is significantly lower than the stipulated 2% quota within the Public Service. It was also found that budgetary allocations for initiatives that benefit persons with disabilities are generally inadequate and do not permit meaningful execution of initiatives. The study further found that departments are putting very little effort in creating public awareness about disability. In addition, departments have not developed comprehensive strategies for creating awareness about disability issues and disability integration among staff. There is generally very little or no capacity for integrating disability issues in Government departments.¹⁰

The investigations, audit and study referred to above have illustrated in no uncertain terms that the Public Service is experiencing a major crises in recruiting and retaining persons with disabilities. Through the various research methodologies applied, a number of contributing factors have emerged that seem to impact on the achievement of disability equity. The question that remains to be answered is why the Public Service, despite these dire warnings emanating from the above research, has not made any progress in achieving the 2% target?

1.3 PURPOSE AND OBJECTIVES OF THE ASSESSMENT

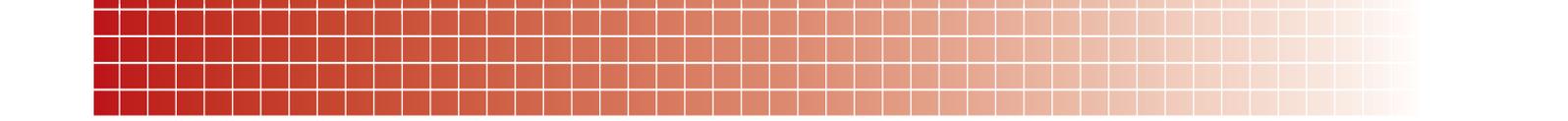
Since 2006 the PSC has continued to monitor the extent to which the Public Service has progressed in meeting the disability equity target through reports extracted from Vulindlela¹¹. Based on the figures obtained it has become clear that disability equity will not be achieved unless there is drastic intervention. Such intervention will only be successful if it is founded on a sound research base which authoritatively addresses the challenges in recruiting and

⁸ Republic of South Africa. Public Service Commission, *Audit on Affirmative Action in the Public Service, 2006*.

⁹ Republic of South Africa. Public Service Commission, *Audit on Affirmative Action in the Public Service, 2006*.

¹⁰ Republic of South Africa. *Situation analysis of disability integration in 18 national Government departments, Office on the Status of Disabled Persons in the Office of the Presidency, 2000*.

¹¹ Vulindlela is the human resource management information system that draws its data from the Personnel and Salary Administration System (PERSAL) operated by National Treasury.



retaining persons with disabilities in the Public Service. The PSC therefore decided to conduct this assessment into the obstacles and successes encountered by Public Service leadership in achieving disability equity and to adapt its methodology by including inquiries to obtain a better understanding of the challenges in meeting the targets. The objectives of this assessment were therefore to:

- Determine the South African context in terms which disability equity has to occur.
- Determine what progress has been achieved by national and provincial departments in terms of the employment of persons with disabilities.
- Identify the major challenges in employing and retaining persons with disabilities in the Public Service.
- Determine what good practices if any, exist in terms of the employment of persons with disabilities are applied by departments.
- Propose measures to improve disability equity.

1.4 PSC MANDATE

In terms of Section 196 (4) (b) of the Constitution of the Republic of South Africa, 1996, the powers and functions of the PSC are amongst others, to investigate and evaluate the application of personnel and public administration practices, and to report to the relevant executive authority and legislature. The PSC is also empowered by section 195 (1) of the Constitution to promote the basic values and principles governing public administration as set out in section 195. One of these principles provides that “Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation”. By ensuring disability equity, the Public Service addresses representativity and the imbalances of the past.

In terms of section 10(1) of the Public Service Commission Act, 1997¹², the Commission may conduct an inquiry into any matter in respect of which it is authorised by the Constitution or the Public Service Act to perform any function. In accordance with this mandate the PSC conducted disability inquiries as part of the methodology applied during this assessment.

1.5 SCOPE OF THE ASSESSMENT

The assessment was conducted in selected national departments and provincial administrations. Data was drawn from Vulindlela on the number of persons with disabilities employed by national departments and provincial administrations as at September 2006. An initial analysis of the data was conducted in order to choose a sample of national departments and provincial administrations to participate in the assessment. The sample of national and provincial departments included departments that were significantly below meeting the target set by Cabinet and departments that have made significant progress towards achieving the target or have met the target already. This enabled the PSC to focus on challenges as well as successes. The national departments and provinces that participated in the assessment are listed in **Table 1**.

¹² Republic of South Africa. Public Service Commission Act, No. 43 of 1997.

Table 1: National departments and provinces that participated in the Assessment

National / Provincial	Departments
National Departments	Trade and Industry Sports and Recreation Public Enterprises Education The South African Management Development Institute (SAMDI) Government Communication and Information Service (GCIS) The Presidency Social Development Labour
Provincial Administrations	Eastern Cape Free State Gauteng Western Cape Mpumulanga

1.6 STRUCTURE OF REPORT

This Chapter provided a background to the PSC's assessment of the reasons for the inability of the Public Service to recruit and retain persons with disabilities, including the mandate in terms of which the assessment was conducted and the scope of the assessment. An overview of the research framework is provided in Chapter 2. The report in Chapter 3 then provides an overview of disability equity in South Africa focusing, amongst others on demographic data regarding persons with disabilities and the legal framework that informs disability equity in the Public Service. Thereafter a statistical overview of disability equity in the Public Service is provided in Chapter 4. Chapter 5 deals with the findings of the PSC on the challenges experienced by departments in the employment of persons with disabilities whilst Chapter 6 provides information on good practice observed during the inquiries. Recommendations are provided in Chapter 7 and concluding remarks in Chapter 8.

Chapter Two

RESEARCH FRAMEWORK

2.1 INTRODUCTION

The clear lack of progress in the achievement of disability equity in the Public Service, despite the findings of previous investigations and studies, required the PSC to carefully consider its methodology in conducting this assessment. It became clear that the involvement of Public Service leadership would be required if the assessment was to succeed in obtaining a thorough overview of what the real challenges are in achieving disability equity and what gives rise to such challenges.

This Chapter provides an overview of the methodology that was applied during the assessment and highlights the limitations experienced by the PSC in concluding the assessment.

2.2 RESEARCH METHODOLOGY

The methodology applied by the PSC in conducting research into public administration practices, similar to this assessment, has largely entailed the use of questionnaires, interviews, scrutiny of documentation and interviews with relevant officials. Given the complexities involved in achieving disability equity, the PSC deemed it appropriate to apply a methodology that would facilitate interaction with leadership responsible for ensuring that the employment equity imperatives of Government are implemented. It was therefore decided to conduct formal inquiries with Heads of Department in terms of section 10 (1) of the Public Service Commission Act, 1997, during which the challenges they experienced in the employment of persons with disabilities could be discussed and analysed. This approach is a landmark event for the PSC as it is the first time that it has used its powers to conduct formal inquiries to assist it with an assessment of a public administration practice. The interaction that took place during the inquiries proved invaluable as it provided depth to the subject that would not have been achieved through other methodologies.

2.2.1 Overview of disability equity in South Africa

The PSC recognised that in order to fully understand the challenges involved in employing and retaining persons with disabilities in the Public Service, it would have to obtain information on disability in the South African context as a whole. A literature review was conducted of national policy frameworks to establish the definition of disability. In addition information was obtained on Government's involvement in international conventions on disability. Census data for 2001 was also obtained from Statistics South Africa in order to establish the number of economically active persons with disabilities in South Africa for comparative purposes with the targets and rate of employment of persons with disabilities in the Public Service.

2.2.2 Review of legislative framework

Having established the context of disability in South Africa, a review of all relevant legislation, policies and regulations that inform disability in the Public Service was conducted. Acts such as the Constitution of the Republic of South Africa, 1996¹³ and the Employment Equity Act, 1998¹⁴ were consulted. In addition the provisions of policy frameworks such as the White Paper on Affirmative Action, 1998¹⁵, the White Paper on an Integrated National Disability Strategy, 1997¹⁶, and the Job Access Strategic Framework 2006-2010¹⁷ were scrutinised. An analysis of the relevant legislation and policies was conducted to establish the framework within which disability equity in the Public Service must occur.

13 *Constitution of the Republic of South Africa, No. 108 of 1996.*

14 *Republic of South Africa, The Employment Equity Act, No. 55 of 1998.*

15 *Republic of South Africa. White Paper on Affirmative Action, 1998.*

16 *Republic of South Africa. White Paper on an Integrated National Disability Strategy, 1997.*

17 *Republic of South Africa. Department of Public Service and Administration, JobAccess Strategic Framework, 2007.*

2.2.3 Data analysis

Data was drawn from Vulindlela on the number of persons with disabilities employed by national departments and provincial administrations as at September 2006. An initial analysis of the data was conducted in order to choose a sample of national departments and provincial administrations to participate in the assessment. The sample of national and provincial departments included departments that were significantly below meeting the target set by Cabinet and departments that have made significant progress towards achieving the target or has met the target already. This was deemed necessary to obtain not only a perspective of what the challenges were, but what successes have been achieved.

The data obtained from Vulindlela was verified with departments during the formal inquiries conducted by the PSC. A comparative analysis was made which informed the statistical overview provided in Chapter 4 of this Report.

2.2.4 Questionnaires

A standardised questionnaire relevant to the achievement of disability equity in the Public Service was developed and submitted to the heads of the selected national departments and provincial administrations with a view to establish broad reasons for the success or failure of departments in recruiting and retaining persons with disabilities. This questionnaire was forwarded to heads of the selected departments under cover of a letter dated 1 October 2006. The purpose of the questionnaire was to verify the data obtained from Vulindlela on the number of persons with disabilities employed by departments and to solicit information on strategies employed by departments to recruit and retain persons with disabilities as well as the challenges that they experience in this regard. Departments were specifically requested to respond to the following questions:

- *Do you concur that the number of disabled persons employed by your department (according to the Vulindlela statistics) is correct? If not, please provide the right number.*
- *What measures have you put in place to promote the employment and retention of persons with disabilities in your department?*
- *To what do you ascribe your success/failure to appoint persons with disabilities to your department?*
- *Does your department have an employment equity plan?*
- *What alterations to the workplace in your department have been made to accommodate persons with disabilities both from an accessibility point of view and workstation compatibility?*
- *Do you believe that the target of 2% set by Cabinet is attainable and maintainable? Please motivate your response.*
- *Does your department have any links established with organisations for persons with disabilities? If so, to what extent has this assisted with your recruitment drive for persons with disabilities?*

This information was obtained for the purpose of conducting an assessment of the status of disability equity in each department which served as the basis for the discussions held with Heads of Department during the disability inquiries.

2.2.5 Formal Disability Inquiries

In terms of section 10(1) of the Public Service Commission Act, 1997¹⁸, the PSC may conduct an inquiry into any matter in respect of which it is authorised by the Constitution or the Public Service Act to perform any function. Such inquiries are formal in nature and are conducted to obtain information relevant to a subject under investigation by the PSC. Attendance of such inquiries is obligatory and the PSC may in terms of section 10(2) of the Public Service Commission Act, 1997¹⁹, summons persons to appear at the inquiries.

¹⁸ Republic of South Africa. Public Service Commission Act, No. 43 of 1997.

¹⁹ Republic of South Africa. Public Service Commission Act, No. 43 of 1997.

After conducting an assessment of the status of disability equity in each department, the PSC invited Heads of Department to attend formal inquiries. In order to manage the inquiries in an effective manner, not all departments that initially formed part of the scope of the Assessment were invited. Instead the focus was placed on a mix of departments that appeared to be performing poorly or adequately in addressing disability equity. Heads of department were also requested to invite organisations and persons representing persons with disabilities to the inquiries. In provinces where such persons were in attendance it contributed immensely to the debate.

At the inquiries Heads of Department were provided with the PSC's summary of its assessment of each department's disability equity status. The tabling of these preliminary findings allowed for a participative methodology as the findings could be verified by factual information obtained from Heads of Department. The purpose of the formal inquiries was to enable the Heads of Department to:

- Substantiate or dispute the numerical targets sourced from Vulindlela as at June 2007 indicating the extent to which departments have reached the numerical target set by Cabinet.
- Discuss the difficulties that the departments experience that contribute to their inability to recruit and retain persons with disabilities.
- Identify any successes that departments had in their attempts to recruit and retain persons with disabilities.
- Identify strategies that departments have put in place to improve the recruitment and retention of persons with disabilities.

The inquiries were presided over by a panel consisting of the following:

- A PSC Commissioner appointed as Chairperson;
- PSC Commissioners;
- The Director-General (DG) of the Office of the PSC, and
- The Secretary-General (SG) of the Disabled People of South Africa²⁰ (DPSA), an organisation that promotes the human rights and development of all South Africans with disabilities.



Picture 1: The panel of the Disability inquiries

²⁰ Disabled Persons of South Africa, a Non-Governmental Organisational on the Human Rights and Development of all South Africans with disabilities.

As the inquiries were held in terms of the PSC's statutory powers to conduct inquiries as contained in section 10 (1) of the Public Service Commission Act, 1997²¹, attendance of the inquiry by Heads of Department was obligatory. During the inquiries representatives of the departments whose heads of department were not present had to explain the reasons for the heads of department's non-attendance. Based on the responses, the inquiry panel deliberated on the validity of the reasons provided and decided whether to allow the departmental representative to remain or not. The chairperson of the inquiry indicated that the PSC reserves its right to invoke its powers of summons in terms of section 10 of the Public Service Commission Act, 1997.

During inquiries Heads of Department had to respond to direct questions and concerns raised by the panel. Some of the questions and concerns related to issues of compliance timeliness and quality of submissions made to the PSC and as a result may have led to a level of discomfort. Despite these probing questions the inquiries were received with a positive attitude by all present.

2.2.5.1 Attendance by provincial departments

Individual inquiries were held in each of the five provinces participating in the assessment. The PSC liaised with the Directors-General in the Offices of the Premier in order to facilitate the conducting of the inquiries on a date best suitable to the PSC and the province. Despite the intensive liaison process with their offices some Heads of Department did not provide reasons to the PSC, prior to date of the inquiry, why they could not attend the inquiries. **Table 2** provides an overview of the attendance of the inquiry conducted in the Western Cape on 23 August 2007

Table 2: Attendance by Western Cape Departments

NAME OF DEPARTMENT	ATTENDED BY
Office of the Premier	Acting Director-General
Department of Health	Head of Department
Department of Education	Head of Department
Department of Community Safety	Head of Department
Department of Environmental Affairs and Development Planning	Head Of Department
Department of Agriculture	Head of Department
Provincial Treasury	Head of Department
Department of Culture Affairs and Sport	Head of Department
Department of Transport and Public Works; Department of Local Government and Housing; and Department of Social Development	Heads of Department not present but provided a valid reason. Represented by senior managers.

As will be noted departments in this province were well represented. Only three Heads of Department were not present but for valid reasons.

The attendance of Heads of Departments in the Free State at the inquiry held on 27 August 2007 was as outlined in **Table 3**.

²¹ Republic of South Africa. Public Service Commission Act, No. 43 of 1997.

Table 3: Attendance by Free State Departments

NAME OF DEPARTMENT	ATTENDED BY
Office of the Premier	Director-General
Department of Education	Acting Head of Department.
Department of Health	Acting Head of Department
Department of Public Works, Roads and Transport	Head of Department
Department of Sports, Arts and Culture	Head of Department
Department of Public Safety, Security and Liaison	Acting Head of Department
Provincial Treasury, Department of Agriculture, Department of Tourism, Environment and Economic Development	Heads of Department not present but provided a valid reason. Represented by senior managers.

Four departments were not represented by either the Head or acting Head of Department. In all but one case where Heads of Department were not present, valid reasons for their non-attendance were provided. The Head of the Department of Local Government and Housing did not provide a valid reason for not attending and was summonsed to appear before the PSC on 1 November 2007.

The Mpumalanga inquiry held on 28 August 2007 was attended as outlined in **Table 4**.

Table 4: Attendance in Mpumalanga

NAME OF DEPARTMENT	ATTENDED BY
Office of the Premier	Director-General
Department of Health and Social Services	Acting Head of Department
Department of Public Works	Head of Department
Department of Economic Development and Planning	Acting Head of Department.
Department of Safety and Security	Head of Department
Department of Roads and Transport	Acting Head of Department
Department of Education, Department of Local Government and Housing, Department of Agriculture and Land Administration, Department of Culture Sports and Recreation and the, Department of Finance	Heads of Department not present but provided a valid reason. Represented by senior managers.

In Mpumalanga, five Heads of Department did not attend the inquiry albeit with valid reasons.

The disability equity inquiry in the Eastern Cape was held on 21 September 2007. The inquiry was attended as indicated in **Table 5**.

Table 5: Attendance in the Eastern Cape

NAME OF DEPARTMENT	ATTENDED BY
Office of the Premier Department of Agriculture Department of Safety and Liaison Department of Social Development Department of Sports, Recreation, Arts and Culture Department of Roads and Transport Department of Education, Provincial Treasury, Department of Health, Department of Public Works and the Department of Housing, Local Government and Traditional Affairs	Director-General Head of Department Head of Department Head of Department Head of Department Head of Department Heads of Department not present but provided a valid reason. Represented by senior managers.

In total six of the departments, together with Gauteng the highest of the participating provinces, did not attend the inquiry. One of the Heads of Department (Economic Development and Environmental Affairs) did not have a valid reason for not attending and was summonsed to appear before the PSC on 25 October 2007.

Table 6 provides details of attendance of the inquiry held in Gauteng on 22 October 2002.

Table 6: Attendance in Gauteng

NAME OF DEPARTMENT	ATTENDED BY
Office of the Premier Department of Local Government Department of Health, Department of Community Safety and Liaison Department of Agriculture, Conservation and Environment, Department of Public Transport, Roads and Works, Department of Housing, Department of Sports and Recreation and the Department of Education	Director-General Head of Department Head of Department Head of Department Heads of Department not present but provided a valid reason. Represented by senior managers.

In total, six Heads of Department were not present but provided valid reasons for their non-attendance. Two departments, Public Roads, Transport and Works and the Gauteng Shared Services Centre did not provide valid reasons for the non-attendance of their Heads of Department. The respective Heads of Department were therefore summonsed to appear before the PSC on 6 November 2007.

2.2.5.2 Attendance by national departments

Out of the nine national departments that were identified to participate in the assessment, eight were invited to attend the inquiry. **Table 7** provides an overview of National Departments that were invited to attend the inquiry held on 30 August 2007. As will be noted only two Directors-General were able to attend.

Table 7: National departments invited to attend the Disability Inquiries

NAME OF DEPARTMENT	ATTENDED BY
SAMDI Department of Trade and Industry Department of Education, Government Communication and Information Systems, The Presidency and Sport and Recreation Public Enterprises	Director-General Director-General Heads of Department not present but provided a valid reason. Represented by senior managers. Head of Department not present but provided a valid reason. Responded in writing.

The Department of Trade and Industry was also invited to attend. The Head of Department submitted an apology for not being able to attend but designated an official that did not possess the necessary experience and background on the subject matter to attend the inquiry. The PSC therefore decided to summons the Head of Department to appear at an inquiry held on 25 October 2007.

Out of the 61 departments that were invited, 30 Heads of Department complied with the PSC's request to attend the inquiries. A further 26 were not able to attend due to valid reasons but were represented by senior and suitably qualified officials.

The interaction with the heads of departments through the formal inquiries, proved exceptionally effective as the PSC not only received collaboration from the heads of departments but through the process also managed to identify and discuss the complexities involved in achieving disability equity which through questionnaires would not have been possible. As such, insightful information was obtained from Public Service leadership as opposed to written responses, which often are compiled by staff at junior levels.

2.3 LIMITATIONS

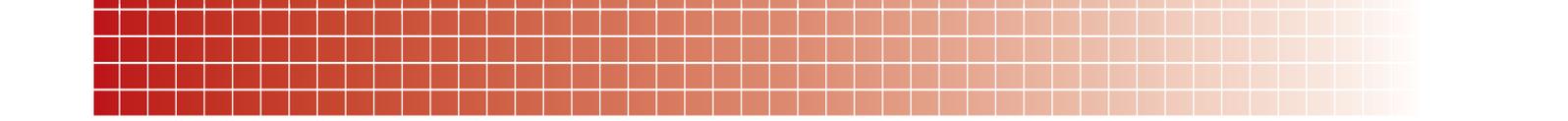
As with all studies conducted by the PSC limitations were experienced in conducting this assessment. The nature of these limitations was as follows:

2.3.1 Inadequate or unreliable information

The information received through written responses to the questionnaire from some departments was not clear and concise and did not provide the necessary detail to enable analysis. In addition, the written information provided by some departments did not correspond with the verbal responses provided by representatives during the inquiries and as such the panel had to clarify this ambiguity. The information provided at the inquiries were generally far more substantive.

Some departments failed to provide documents that were required to accompany the written responses (such as employment equity plans) thus making the analysis difficult. It was also ascertained that the written information provided was not done by the appropriate line manager and not checked by the Head of Department resulting in inadequate information being furnished for analysis.

Delays in the submission of written responses by certain departments also led to constant changes being made to the summaries that were used during the inquiries. Some departments only responded as late as March 2007 although the deadline for submission was in November 2006.



The sourcing of information was complicated by the change in the liaison contact person at some departments. Newly appointed employees were not aware of the project and needed to be briefed resulting in further delays.

2.3.2 Non-availability of Heads of Department

The commencement of formal inquiries was delayed due to the unavailability of some Heads of Department and dates for the inquiries had to be changed on numerous occasions especially as far as the provinces were concerned.

Certain Heads of Department were also unable to attend the inquiries for valid reasons. Although they were represented by able senior managers, their presence would have enriched the debate further.

2.3.3 Discrepancies with Statistics

Most of the departments disputed the figures obtained by the PSC from Vulindlela raising concerns regarding the correctness of data reflected on the Personnel and Salary Administration System (PERSAL) from which Vulindlela draws its data. As a result the information obtained from Vulindlela had to be verified during the inquiries. Whilst this can be viewed as a constraint it also assisted immensely as information was obtained during the inquiries on problems experienced with the fields used on PERSAL.

2.3.4 Census data not updated

During the assessment the PSC had to rely on the 2001 Census data of Statistics South Africa as no new data was available. Consequently reliable data on the current demographic profile of persons with disabilities was not available and conclusions had to be drawn on the outdated information of the 2001 Census.

Chapter Three

OVERVIEW OF DISABILITY IN SOUTH AFRICA

3.1 INTRODUCTION

The legislative and policy frameworks developed and implemented by Government, including on disability equity, are based on the needs of the society that it serves. In order to understand the background to the provisions of the legislative framework in terms of disability equity it is necessary to reflect on what constitutes a disability (can it be defined?) and the numbers of persons with disabilities in the South African Society as a whole. By obtaining such clarity the progress that the Public Service has made in achieving disability can be measured within the correct context.

This Chapter discusses the definition of disability, reflects on disability equity as a human rights issue, refers to South Africa's ratification of international conventions and makes a distinction between the total number of disabled persons and those that are economically active. This context operates within a legislative framework which is also set out in this Chapter.

3.2 DEFINITION OF DISABILITY

The White Paper on an Integrated National Disability Strategy, 1998²² did not provide a definition of what constitutes a disability. The first definition of disability that was available and applicable to disability equity was contained in the Code of Good Practice on Key Aspects on the Employment of persons with disabilities²³ issued in terms of the Employment Equity Act, 1998²⁴, which defines disability as having a physical or mental impairment, which is long term, or recurring and which substantially limits prospects of entry into, or advancement in employment. The PSC in its findings on Disability Equity in the Public Service²⁵, however, noted that at the time of the investigation in 2002, there was no standardised definition of what constitutes disability within the Public Service and no measuring instruments and criteria for determining disability. This led to interpretational problems for the departments in identifying persons with disabilities. It appears, based on the disability inquiries held in 2007, that these interpretational problems have persisted, as departments were of the view that using the definition contained in the Code of Good Practice created problems in terms of identifying persons with disabilities as they were not sure what the actual criteria should be.

The JobAccess Strategy 2006-2010²⁶ adopted by Cabinet has attempted to address these concerns by adopting the following more detailed definition of disability: "The loss or elimination of opportunities to take part in the life of the community equitably with others that is encountered by persons having physical, sensory, psychological, developmental, learning, neurological, or other impairments, which may be permanent, temporary, or episodic in nature, thereby causing activity limitations and participation restriction with the mainstream society. These barriers may be due to economic, physical, social, attitudinal and/or cultural factors"²⁷.

This definition has only recently been adopted by Cabinet in 2007 through the JobAccess Strategy²⁸ and the extent to which it will assist departments in identifying persons with disabilities has not been measured. It, however, still poses interpretation challenges. For example, what are the "other impairments" referred to in the definition? During the implementation of the Strategy there may be a need to review the definition based on practical considerations emanating from the identification of persons with disabilities.

The definition defines a group of persons existing within the South African community, but it does not address how their rights as part of broader society must be protected. Such rights are enshrined in the Constitution, 1996 as discussed in the following paragraphs.

22 *Republic of South Africa. The White Paper on a National Integrated Disability Strategy, 1997.*

23 *Republic of South Africa, Employment Equity Act, No. 55 of 1998 – Code of Good Practice on the Employment of Persons with Disabilities.*

24 *Republic of South Africa, Employment Equity Act, No. 55 of 1998.*

25 *Republic of South Africa. Public Service Commission, Disability Equity in the South African Public Service, 2002.*

26 *Republic of South Africa, JobAccess Strategy 2006 to 2010, a Strategy for the Public Sector, 2007.*

27 *Republic of South Africa, JobAccess Strategy 2006 to 2010, a Strategy for the Public Sector, 2007.*

28 *Republic of South Africa, JobAccess Strategy 2006 to 2010, a Strategy for the Public Sector, 2007.*

3.3 DISABILITY AND HUMAN RIGHTS

Disability Equity is a transformation imperative of Government as espoused in the Constitution, 1996. According to section 9(3) of Chapter 2 (the Bill of Rights) of the Constitution, 1996²⁹, dealing with equality, the state may not unfairly discriminate directly or indirectly against anyone in terms of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. It is the view of the PSC that the inclusion of disability equity in the Bill of Rights underscores its status as a human rights issue and thus the violation of the rights of persons with disabilities should be regarded as a human rights violation.

Despite the legislative framework protecting the rights of persons with disabilities the reality is that persons with disabilities who are most economically and socially disadvantaged also live in degraded environments with fewer jobs and unsafe streets³⁰. The Employment Equity Act, 1998³¹ supports the achievement of equality for persons with disabilities by requiring all employers to achieve employment equity thereby providing access to jobs. Despite this legislative obligation the rate of employment referred to in this report clearly indicates that access to jobs for persons with disabilities in the Public Service has been severely restricted. The truth is that persons with disabilities continue to face multiple barriers in the employment environment. Whilst institutions throughout South Africa has made progress in providing reasonable accommodation for persons with disabilities in their buildings, much must still be done in terms of meeting all requirements as is witnessed through the findings of this assessment in respect of the Public Service. Another element that contributes to their ability to take up jobs in any sector is the lack of disability friendly public transport.

Government, through the JobAccess Strategy, has undertaken to lead by example. This will be by ensuring that it spends voted funds on accessibility for persons with disabilities, starting with a commitment to reasonable accommodation and accessible buildings. Government's commitment to ensure that the rights of persons with disabilities are protected can also be witnessed by its ratification of international conventions in this regard.

3.4 UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

South Africa has not only looked domestically to address the issue of disability equity but has also become party to an international convention on the rights of persons with disabilities. The United Nations Convention on the Rights of Person with Disabilities³² endeavors to elaborate in detail the rights of persons with disabilities and set out a code of implementation. Countries that join in the Convention commits to the development and implementation of policies, laws and administrative measures for securing the rights recognised in the Convention and abolish laws, regulations, customs and practices that constitute discrimination (Article 4).

There are eight guiding principles that underlie the Convention and each one of its specific articles:

Eight guiding principles of the United Nations Convention on the rights of persons with disabilities

Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons

Non-discrimination

Full and effective participation and inclusion in society

Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

Equality of opportunity

29 Republic of South Africa. *The Constitution of the Republic of South Africa, Act No. 108 of 1996.*

30 Republic of South Africa. *JobAccess Strategy 2006 to 2010, a Strategy for the Public Sector.*

31 Republic of South Africa. *Employment Equity Act, No. 55 of 1998.*

32 *The United Nations Convention on the Rights of Persons with Disabilities.*

Eight guiding principles of the United Nations Convention on the rights of persons with disabilities

Accessibility
 Equality between men and women
 Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.³³

South Africa ratified the convention on 30 November 2007 and subscribed to the commitment (as outlined in the preamble of the convention) of recognising the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalisation of Opportunities for persons with disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalise opportunities for persons with disabilities.

If disability is to be addressed as envisaged in the Convention, information on the extent of disability in South Africa must be available in order to inform Government's strategy.

3.5 LEGISLATIVE FRAMEWORK ON DISABILITY EQUITY

Through its transformation agenda Government has endeavored to reorient and reunite society towards a common purpose of a socially coherent and economically equitable society. It has given effect to this agenda through various pieces of legislation that address a broad range of transformation issues including disability equity. An overview of the legislative and policy framework put in place is provided in **Table 8**.

Table 8: Legislative Framework on disability equity

LEGISLATION / POLICIES	PROVISIONS
<p>THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA (1996)</p>	<p>The Constitution being the supreme law of the country guarantees the rights of persons with disabilities to be treated equally and enjoy the same rights as all citizens of the country. According to section 9(3) of the Constitution, 1996, 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.³⁴</p> <p>The Constitution therefore enshrines the principle of equality in society as a whole. In addition it specifically refers to the Public Service and through section 195 provides public administrative principles that must be adhered to in the Public Service. One of these principles is that Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.³⁵</p> <p>As such the Constitution provided the framework which informed the development of enabling legislation and policies designed to ensure equity in the Public Service.</p>

³³ The United Nations Convention on the Rights of Persons with Disabilities.

³⁴ Republic of South Africa. Section 9 of the Constitution of the Republic of South Africa, 1996.

³⁵ Republic of South Africa. Section 195 of the Constitution of the Republic of South Africa, 1996.

LEGISLATION / POLICIES	PROVISIONS
<p>THE WHITE PAPER ON THE TRANSFORMATION OF THE PUBLIC SERVICE (1995)</p>	<p>The White Paper on the Transformation of the Public Service, 1995, published prior to the enactment of the Constitution 1996, was the first policy document that required the Public Service to act on achieving equity. Each department at the national and provincial level were required to draw up detailed affirmative action plans, designed to meet the specific needs of black people, women, and persons with disabilities. These plans had to include, amongst others, an audit of the composition of departmental personnel according to race, gender and disability, at different levels and across occupational classes, as well as goals, objectives, measurable targets, strategies and time-frames for their achievement.³⁶</p> <p>Government therefore placed an emphasis on the need to attain equity in the Public Service even prior to the enactment of the new Constitution. Through this White Paper, Government identified persons with disabilities as one of the target groups in terms of which representativity had to be achieved. This was a significant step given that such persons were previously severely marginalised during the Apartheid regime. In terms of the White Paper on an Integrated National Disability Strategy published during 1997 the exclusion experienced by people with disabilities and their families is the result of a range of factors, for example:</p> <ul style="list-style-type: none"> • the political and economic inequalities of the apartheid system; • social attitudes which have perpetuated stereotypes of disabled people as dependent and in need of care; and • a discriminatory and weak legislative framework which has sanctioned and reinforced exclusionary barriers.³⁷
<p>THE WHITE PAPER ON AN INTEGRATED NATIONAL DISABILITY STRATEGY (1997)</p>	<p>The White Paper on an Integrated National Disability Strategy published during 1997 facilitated the integration of disability issues in all Government development strategies, planning and programmes. In the foreword to the White Paper, President T Mbeki states that “the concept of a caring society is strengthened and deepened when we recognise that disabled people enjoy the same rights as we do and that we have a responsibility towards the promotion of their quality of life. We must stop seeing, disabled people as objects of pity but as capable individuals who are contributing immensely to the development of society”.</p> <p>The White Paper envisions the realisation of the rights of persons with disabilities to equality and dignity through full participation in a barrier-free society. The White Paper also promotes that there must be an integrated and coordinated management system for planning, implementation and monitoring at all spheres of Government. To coordinate this activity, the Office on the Status of Disabled Persons has been established in the Office of the Deputy President. The Office on the Status of Disabled Persons will work together with, and parallel to, the various state bodies and departments in order to further the development of a disability friendly environment. It will maintain close working links with the NGO sector.</p>

36 Republic of South Africa. *The White Paper on Transformation of the Public Service, 1995.*

37 Republic of South Africa. *The White Paper on a National Integrated Disability Strategy, 1997.*



LEGISLATION / POLICIES	PROVISIONS
<p>THE WHITE PAPER ON AN INTEGRATED NATIONAL DISABILITY STRATEGY (1997)</p>	<p>In terms of the White Paper Government departments and state bodies have a responsibility to ensure that, in each line function, concrete steps are taken to ensure that people with disabilities are able to access the same fundamental rights and responsibilities as any other South African.</p> <p>The White Paper further indicated that the legislative framework is crucial and that there is a need to examine the need for new legislation. Existing legislation had to be scrutinised and amended where necessary. Ultimately, legislation should comply with and give substance to Constitutional requirements.³⁸</p>
<p>THE WHITE PAPER ON AFFIRMATIVE ACTION (1998)</p>	<p>The White Paper on Affirmative Action of 1998, sets out the mandatory requirements and guidance on the steps that Government departments in the entire Public Service should take to develop and implement affirmative action programmes and to sketch out the accountability, monitoring, coordinating and reporting responsibilities of various players within affirmative action programmes. These affirmative action programmes had to be shaped and managed to reflect departments' own particular circumstances.</p> <p>Importantly from a disability perspective the White Paper states that affirmative action must strive to eradicate barriers to employment and advancement in the organisational and physical environment and provide support to the target group. Affirmative action must also take into consideration the relevant needs of the target group and their relative disadvantaged status and as such reasonable accommodation must be provided. A target of 2% representivity of persons with disabilities was set by the White Paper.</p> <p>The responsibility for developing and implementing affirmative action programmes in terms of the White Paper is vested in Heads of Department.³⁹ Given this responsibility, the importance of the involvement of Heads of Department in the disability inquiries conducted by the PSC is self evident.</p>
<p>THE EMPLOYMENT EQUITY ACT (1998)</p>	<p>The Employment Equity Act of 1998, was enacted to give effect to the Constitutional imperative of equity. The Act applies to all employers in South Africa and as such the Public Service must abide by its provisions.</p> <p>The Act outlaws discrimination and promotes affirmative action in the workplace. Disability is mentioned as a ground on which people may not be discriminated against in employment practices. It further requires all employers to develop Employment Equity Plans and to put in place affirmative action measures that will ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of a designated employer. Section 1 of the Act defines designated groups as black people, women and persons with disabilities.⁴⁰</p>

38 Republic of South Africa. *The White Paper on a National Integrated Disability Strategy, 1997.*

39 Republic of South Africa. *The White Paper on Affirmative Action, 1998.*

40 Republic of South Africa. *The Employment Equity Act, 1998.*

LEGISLATION / POLICIES	PROVISIONS
THE EMPLOYMENT EQUITY ACT (1998)	The Act through its requirement that employers must develop Employment Equity Plans places a further requirement on Heads of Department. In assessing the reasons for the inability of departments to achieve disability equity during the PSC's disability inquiries, the development of employment equity plans were specifically probed with Heads of Department.
CODE OF GOOD PRACTICE ON THE EMPLOYMENT OF PEOPLE WITH DISABILITIES	<p>The Code on Good Practice on the Employment of persons with disabilities is a guide for employers and employees on promoting equal opportunities and fair treatment for persons with disabilities as required by the Employment Equity Act, 1998. According to the Code, people are considered as having a disability if they are having a physical or mental impairment, which is long term, or recurring and which substantially limits their prospects of entry into, or advancement in employment. The Code further urges employers to reasonably accommodate the needs of persons with disabilities. The aim of the accommodation is to reduce the impact of the impairment of the person's capacity to fulfill the essential functions of the job.</p> <p>One of the instruments provided by the Code to assist employers in identifying persons with disabilities is the EEA1 disability declaration form. This form provides employees with an opportunity to identify whether they have a disability and what the nature of the disability entails.⁴¹</p>
THE PUBLIC SERVICE REGULATIONS (2001)	<p>The Public Service Regulations require executing authorities to develop affirmative action plans for their departments. In terms of the Regulations, these affirmative action plans shall contain, as a minimum, the following:</p> <ul style="list-style-type: none"> • A policy statement that sets out the department's commitment to affirmative action, and how that policy will be implemented. • Numeric and time-bound targets for achieving representativeness. • Annual statistics on the appointment, training and promotion within each grade of each occupational category, of persons historically disadvantaged. • A plan for redressing numeric under-representativeness and supporting the advancement of persons historically disadvantaged. <p>Whilst this authority is vested in executing authorities, the practice in most departments is that heads of department develop these plans under delegated authority. The development of these plans by heads of department serves as a road map to achieving, amongst others, disability targets.⁴²</p>
THE JOB ACCESS STRATEGIC FRAMEWORK 2006-2010	The Department of Public Service and Administration ⁴³ developed a JobAccess Strategic Framework 2006-2010 ⁴⁴ with the main objective of transforming the Public Sector to be inclusive of persons with disabilities. The long-term aim of the strategy is that persons with disabilities should participate in all activities in society on the same terms as people who do not have disabilities. The guiding principles of this strategy are founded on the general principles of the UN Convention on the Rights of persons with disabilities. ⁴⁵

41 Republic of South Africa. *The Employment Equity Act, 1998, Code on Good Practice on the Employment of People with Disabilities.*

42 Republic of South Africa. *The Public Service Regulations, 2001.*

43 Republic of South Africa, Department of Public Service and Administration.

44 Republic of South Africa, Department of Public Service and Administration, *JobAccess Strategic Framework, 2007.*

45 *The United Nations Convention on the Rights of Persons with Disabilities.*



LEGISLATION / POLICIES	PROVISIONS
<p>THE JOB ACCESS STRATEGIC FRAMEWORK 2006-2010</p>	<p>The key priorities of the strategy can be summarised as:</p> <ul style="list-style-type: none"> • Ensuring the employability of persons with disabilities • Equality of opportunity in the workplace • Improving the health and well-being of persons with disabilities • Retention by creating better opportunities, accessibility and promoting skills development. • Partnerships and capacity building of disabled people's organisations.⁴⁶ <p>In terms of the Strategy, activities of departments, in this critical area will focus on:</p> <ul style="list-style-type: none"> • Providing effective early support and guidance to those who need it to overcome barriers to work; • Improving the skills and access to in-work support needed to enhance employability of people with disabilities; • Connecting people with disabilities with work by making transition to employment less risky and complicated; • Engaging departments to improve their attitudes towards people with disabilities and their understanding of what it means to employ a disabled person; and • Building information networks to bring together and disseminate important information to people with disabilities, departments, partners, and communities.⁴⁷
<p>HANDBOOK ON REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES IN THE PUBLIC SERVICE</p>	<p>In an effort to fast track the realisation of the priorities of the JobAccess Strategy, the Department of Public Service and Administration went further and developed a Handbook on reasonable accommodation for persons with disabilities in the Public Service. The handbook is an integral part of the JobACCESS Resource Kit for the recruitment, employment and retention of persons with disabilities in the Public Service and serves as a tool that would enable Government departments to create conducive environments for persons with disabilities both as employees of the State and as clients of Government's services⁴⁸.</p> <p>The key aspects that are addressed in the handbook are the concepts of reasonable accommodation, accessibility in terms of the physical environment and communication. This handbook is a valuable resource for departments as it guides them in creating the work environment that will ensure that employees with disabilities are just as productive and motivated as their counterparts without disabilities.</p>

3.6 NUMBER OF PERSONS WITH DISABILITIES IN SOUTH AFRICA

Through the Census data gathered by Statistics South Africa, Government is provided with information on the distribution of all segments of South Africa's population including persons with disabilities. The latest Census data available is that of 2001⁴⁹ which indicates that there were 2 255 982 people with various forms of disability

46 Republic of South Africa, Department of Public Service and Administration, JobAccess Strategic Framework, 2007.

47 Republic of South Africa, Department of Public Service and Administration, JobAccess Strategic Framework, 2007.

48 Republic of South Africa, Department of Public Service and Administration, Handbook on Reasonable Accommodation for PwDs in the Public Service, 2007.

49 Republic of South Africa. Statistics South Africa, Census 2001.

in South Africa. The number constituted 5% of the total population enumerated in the census. Given the time period elapsed between 2001 and 2008, this number could have changed substantially. There is also a difficulty in determining the exact number of persons with disability as addressed in the White Paper on an Integrated National Disability Strategy of 1997. The White Paper indicates that statistics on disability are unreliable for the following reasons:

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

However, for purposes of this assessment, the 2001 Census data is the only available source to obtain information on the number of persons with disabilities in South Africa. The composition in terms of gender and race are depicted in **Table 9**.

Table 9: Number of persons with disabilities by gender and race

Population Group	Male	Female	Total	%
African	879 680	974 696	1 854 376	5.2%
Coloured	88 583	80 095	168 678	4.2%
Indian/Asian	21 550	19 685	41 235	3.7%
White	92 230	99 463	191 693	4.5%
TOTAL	1 082 043	1 173 939	2 255 982	5.0%

Source: Statistics South Africa, Census 2001⁵⁰

In line with the overall demographics of the country, by far the highest number of persons with disabilities is from the African community. The percentage of persons with disabilities in the African community (5.2%) is also the highest of the four population groups.

Table 10 below indicates the number of persons with disabilities by Province as extracted from the 2001 Census. The Free State has the highest number of persons with disabilities at 6.8% whilst Gauteng and Western Cape have the least with 3.8% and 4.1% respectively.

Table 10: Number of persons with disabilities by Province*

Province	No. of persons with disabilities	% of persons with disabilities
Eastern Cape	372 266	5.8%
Free State	185 377	6.8%
Gauteng	331 611	3.8%
KwaZulu-Natal	470 588	5.0%
Limpopo	268 902	5.1%
Mpumalanga	182 193	5.8%
North West	211 223	5.8%
Northern Cape	46 973	5.7%

50 Republic of South Africa. Statistics South Africa, Census 2001.

Province	No. of persons with disabilities	% of persons with disabilities
Western Cape	186 850	4.1%
TOTAL	2 255 982	5.0%

Source: Statistics South Africa, Census 2001⁵¹

The figures in Table 10 indicate how many persons with disabilities there are in South Africa, but it does not provide employers with a basis to inform their employment equity plans as not all of the persons with disabilities may be employable.

3.7 ECONOMICALLY ACTIVE PERSONS WITH DISABILITIES

Whilst there are more than 2 million persons with disabilities in South Africa it is important to understand what percentage of such persons are economically active. Table 11 indicates the economic status of persons with disabilities per Province as obtained from 2001 census conducted by Statistics South Africa.

Table 11: Economic status of people with disability per Province

Province	Total Population	Persons with disabilities Employed	Persons with disabilities Unemployed	Persons with disabilities not economically active	Not applicable
Eastern Cape	6 436 763	21 915	46 662	180 763	122 925
Free State	2 706 775	30 313	28 574	69 877	56 612
Gauteng	8 837 178	66 529	54 613	119 287	91 182
KwaZulu-Natal	9 426 017	48 540	72 600	199 308	150 139
Limpopo	5 273 642	25 686	33 926	109 326	99 964
Mpumalanga	3 122 990	28 144	26 631	68 634	58 785
North West	3 669 349	25 377	28 761	90 581	66 503
Northern Cape	822 727	5 502	4 525	22 556	14 389
Western Cape	4 524 335	34 542	17 488	81 872	52 948
TOTAL	44 819 776	286 548	313 780	942 204	713 447

Source: Statistics South Africa, Census 2001⁵²

Based on the figures provided in **Table 11**, there were 600 328 economically active persons with disabilities in South Africa. This figure includes persons with disabilities that are employed or are seeking employment. In terms of Statistics South Africa, a total of 313 780 of the economically active persons with disabilities have not secured employment. If this is the case then the pool of possible candidates amongst persons with disabilities that could be recruited for employment in the Public Service is quite sizable.

If the figure of 600 328 economic active persons with disabilities is used as a reflection of the total number of persons with disabilities that are employable then the demographic target that the Public Service should achieve is 1.33%. This percentage is derived at by calculating the number of economically active persons with disabilities identified by Statistics South Africa (600 328) as a percentage of the total population (44 819 776).

⁵¹ Republic of South Africa. Statistics South Africa, Census 2001.

⁵² Republic of South Africa. Statistics South Africa, Census 2001.

However, there is uncertainty about the economic activity of 713 447 persons with disabilities (indicated in **Table 11** by the heading “Not applicable”). Statistics South Africa could not through its Census of 2001 determine whether these persons are economically active and therefore employable. Should all of the 713 447 persons with disabilities be economically active and employable, the demographic target for disability equity would have been 2.9% [1 313 775 (600 328 + 713 447) out of the total population of 44 819 776].

From the information obtained from the Census of 2001, the exact figure of economically active persons with disabilities therefore cannot be accurately calculated. It is quite possible that a proportion of the persons with disabilities in respect of which economic activity was not indicated are in fact economically active. The actual figure of economically active persons with disabilities could therefore be between 1.33% (600 328: persons with disabilities that have been identified as economically active) and 2.9% (1 313 775: persons with disabilities that have been identified as economically active + persons with disabilities whose economic activity was not indicated). An average of these two figures should provide a more realistic picture of the target that should be reached to achieve disability equity. This average amounts to 2.1% (957 051) which matches closely with the target of 2% set by Cabinet for the Public Service. The effected change above is quite fundamental to the argument.

The accuracy of the figures obtained from Statistics South Africa for Census 2001 should be viewed against the fact that in February 2007 it conducted a large-scale survey in all provinces. The main objective of the survey was to provide demographic and socio-economic data at municipal level. The results of the survey were released on 24 October 2007. The community survey shows an estimated population of 48.5 million amounting to an overall increase of 8.2% since 2001. There could therefore also have been an increase in the number of economically active persons with disabilities.

The 2001 Census data does, however, provide a benchmark which the Public Service can use to determine targets and measure the extent to which it has established disability equity in its work force.

Based on the demographic profile of South Africa, with specific reference to persons with disabilities, Government had to put in place a legislative framework that ensures equality in respect of persons with disabilities.

3.8 TARGETS FOR ACHIEVING DISABILITY EQUITY IN THE PUBLIC SERVICE

Amongst others, the legislative and policy framework sets targets for the achievement of disability equity. The first target for the achievement of disability equity was contained in the White Paper on Affirmative Action, 1998, which provided that persons with disabilities had to constitute 2% of the total Public Service workforce by 1999. The date for the achievement of this target was extended in 1999 by Cabinet to 2005 and again in 2006 by Cabinet to 31 March 2010.

3.9 SUMMARY

From the information obtained from the Census of 2001 it is clear that the number of economically active persons with disabilities cannot be accurately calculated. Based on the Census data, the number of economically active persons with disabilities was between 1.33% and 2.9% of the total population. The figure of 2.9% includes persons with disabilities where the status of the economic activity was not known. An average of the two figures amounts to 2.1% which suggests that the target set through the White Paper on Affirmative Action and Cabinet of 2% should be realistically achievable.

A comprehensive framework has been put in place in terms of legislation, regulations, policies and guidelines to direct departments in achieving disability equity. Of importance is that the framework does not only address numerical targets but also focus on how the Public Service should go about in creating employment opportunities for persons with disabilities and an enabling environment for them to function optimally. The next Chapter focuses on the extent to which the Public Service has succeeded in meeting the target set by Cabinet.

Chapter Four

STATISTICAL OVERVIEW OF DISABILITY EQUITY IN THE PUBLIC SERVICE

4.1 INTRODUCTION

The most prominent indicator of the extent to which the Public Service has achieved disability equity will always first be the extent to which the number of persons with disabilities employed mirrors the demographic profile of the society that it serves. Whilst recognising that disability equity involves more than just employing persons with disabilities, and includes the establishment of a work environment conducive to their employment and development, the actual number of persons with disabilities attracted to the Public Service should be indicative of the extent to which an enabling work environment has been created. It is therefore important to determine the progress that the Public Service has made in achieving numeric disability equity since the first investigation conducted by the PSC in 1999.

This Chapter therefore provides an analysis of the status of disability equity in the Public Service in terms of the percentage of persons with disabilities that have been employed. Emanating from the inquiries held with Heads of Department, it became apparent that the figures provided on Vulindlela as to the number of persons with disabilities employed are disputed by many Departments. The figures provided by Departments were mostly based on staff surveys conducted internally and are not reflected on PERSAL and therefore also not on Vulindlela. A further factor that should be noted is that the figures depicted in the tables contained in this Chapter reflect the number of employees employed by departments as at June 2007 in terms of Vulindlela and not the total number of posts. Equity can only be measured against the number of employees employed and not by including vacant posts. During the inquiries with departments the PSC was alerted to this fact by departments.

4.2 ACHIEVEMENT OF DISABILITY EQUITY TARGETS

The PSC found in its investigation on the State of Representativeness in the Public Service conducted during 1999⁵³ that a disability equity figure of only 0.09% had been obtained at that time. This figure improved by 0.1% in 2002⁵⁴ when 0.3% persons with disabilities were employed out of the total workforce but again decreased to 0.15% in 2005⁵⁵. The PSC in its Reports on the State of Representativeness in 1999 and Disability Equity in 2002 raised serious concerns about the extent to which the Public Service had been addressing disability equity. Departments should have been spurred into action by the findings in these Reports by prioritising disability equity and recruiting more employees with disabilities. However, it is clear from the audit in 2005 that departments had actually regressed. Since 2005 there has also been little progress as witnessed by figures obtained from Vulindlela in respect of the status as at April 2005 and October 2007. **Table 12** provides an indication of the status of disability equity as at April 2005 in the Public Service.

Table 12: Disability statistics in the Public Service as at April 2005

Departments/Provinces	Total no. of staff	No. of persons with disabilities employed	Percentage persons with disabilities	Number of persons with disabilities still to be appointed to achieve equity
National Departments	239 571	569	0.2%	4222
Eastern Cape	120 395	84	0.1%	2324
Free State	54 848	16	0.03%	1081
Gauteng	112 594	130	0.1%	2122
Kwazulu-Natal	156 388	203	0.1%	2925
Limpopo	111 615	222	0.2%	2010

53 Republic of South Africa. Public Service Commission, *State of Representativeness in the Public Service, 2000.*

54 Republic of South Africa. Public Service Commission, *Disability Equity in the South African Public Service, 2002.*

55 Republic of South Africa. Public Service Commission, *Audit on Affirmative Action in the Public Service, 2006.*

Departments/ Provinces	Total no. of staff	No. of persons with disabilities employed	Percentage persons with disabilities	Number of persons with disabilities still to be appointed to achieve equity
Mpumalanga	52 791	24	0.1%	1032
Northern Cape	16 601	24	0.15%	308
North West	63 646	68	0.1%	1205
Western Cape	68 285	165	0.2%	1201
Total	996743	1505	0.15%	18430

Source: Vulindlela, Disability Statistics for the Public Service as at April 2005

The Public Service as at April 2005 had only achieved 0.15% representivity of persons with disabilities and was still 1.85% behind reaching the target of 2% set by Cabinet. The Public Service had to employ 19935 persons with disabilities (2%) by April 2005 to meet the target but only employed 1505 (0.15%). As indicated in Table 12, this represented a significant gap of 18430 persons with disabilities that still had to be recruited into the Public Service. The extent of progress since April 2005 can be measured through a comparison with the figures provided by Vulindlela for October 2007 as provided in **Table 13**.

Table 13: Disability statistics in the Public Service as at October 2007

Departments/ Provinces	Total no. of staff	No. of persons with disabilities employed	Percentage of persons with disabilities	Number of persons with disabilities still to be appointed to achieve equity
National Departments	279 578	674	0.2%	4917
Eastern Cape	123 286	280	0.2%	2185
Free State	56 715	87	0.2%	1047
Gauteng	123 976	104	0.1%	2375
KwaZulu-Natal	180 359	251	0.1%	3356
Limpopo	113 397	263	0.2%	2004
Mpumalanga	67 440	143	0.2%	1205
Northern Cape	21 145	28	0.1%	394
North West	57 610	70	0.1%	1082
Western Cape	72 596	199	0.3%	1252
Total	1096102	2099	0.2%	19823

Source: Vulindlela, Disability Statistics for the Public Service as at October 2007

As at October 2007, the Public Service had only achieved a 0.02% increase in its representivity of persons with disabilities from April 2005. As at October 2007 persons with disabilities only constituted 0.2% of the total workforce. Improvements in the figures were observed in the Western Cape (an improvement of 0.1%), Mpumalanga (an improvement of 0.1%), and the Free State (an improvement of 0.17%). Based on these figures, however, there are real concerns that the target of 2% set by Cabinet for 31 March 2010, will not be achieved. As indicated in **Table 13** a further 19823 persons with disabilities (0.18%) will have to be appointed to achieve the disability equity target of 2%.

4.3 STATISTICS PROVIDED BY DEPARTMENTS DURING THE DISABILITY INQUIRES

When the PSC conducted the disability inquiries during August 2007 to November 2007, the statistics presented to heads of department were sourced from Vulindlela and these were as at 30 June 2007⁵⁶. During the disability inquiries it was apparent that the Vulindlela statistics differed, in some instances substantially, with the statistics that departments had. It is important to note that it is the responsibility of departments to update the relevant fields on PERSAL to ensure that the management information contained on PERSAL is correct to enable effective monitoring. Various reasons were provided by departments why their statistics and that reflected on Vulindlela were in disagreement. The reasons included that:

- PERSAL, the source from which Vulindlela obtains its data, has not been updated with new appointments.
- In-house surveys have been done to establish the status of disability equity but the data obtained has not been captured on PERSAL as yet.
- The relevant field on PERSAL is complex and difficult to complete and requires persons that have a disability to provide sensitive personal information. As such their data are not reflected on PERSAL.

The extent of differences between the figures provided by Vulindlela and individual departments during the inquiries must therefore be examined closely to determine what the true status of disability equity is. This Chapter does not attempt to analyse why certain departments are performing worse than others and what has contributed to successes as this is dealt with in detail in Chapter 5 of the Report. In all of the tables below, the departments who have met the target of 2% are highlighted in bold.

4.3.1 Eastern Cape



Picture 2: Disability inquiry held in the Eastern Cape on 21 September 2007

Table 14 provides a comparison between the disability equity status of the Eastern Cape Provincial Departments based on the Vulindlela statistics and that confirmed by departments at the inquiry held on 21 September 2007.

⁵⁶ Republic of South Africa. Vulindlela Database as at 30 June 2007.

Table 14: Status of Disability Equity in the Eastern Cape Provincial Administration.

Department	Total number of staff*	No. of persons with disabilities employed*	% of persons with disabilities*	No. confirmed by department during inquiries#	Confirmed %#
Office of the Premier	410	4	0.97%	4	0.97%
Agriculture	3282	26	0.79%	26	0.79%
Education	75044	6	0.0%	163	0.21%
Health	32849	30	0.09%	32	0.1%
Local Government, Housing and Traditional Affairs	1190	0	0%	0	0%
Provincial Treasury	297	8	2.69%	8	2.69%
Economic Affairs, Environment and Tourism	531	17	3.2%	3	0.56%
Public Works	1837	17	0.92%	17	0.92%
Safety and Liaison	61	0	0%	0	0%
Social Development	1433	5	0.34%	16	1.11%
Sport, Recreation, Arts and Culture	850	0	0%	0	0%
Transport	3284	17	0.51%	17	0.51%
Total	117784	113	0.1%	269	0.22%

Sources: * Vulindlela, Disability Statistics for the Eastern Cape as at June 2007

Figures confirmed by departments at the inquiries held on 21 September 2007 and 25 October 2007

As will be noted four departments disputed the figures provided by Vulindlela namely Education, Health, Economic Affairs, Environment and Tourism and Social Development. In the case of Economic Affairs, Environment and Tourism the department actually indicated that it has less persons with disabilities than indicated on Vulindlela (3 as opposed to 17). The biggest variance was observed in the Department of Education which claimed to have 136 persons with disabilities whilst the Vulindlela report indicated that no persons with disabilities (0) were employed by the department.

Two departments, namely Local Government and Sports Recreation, Arts and Culture acknowledged that they did not employ any persons with disabilities. When concerns regarding their lack of progress were raised during the inquiry by the panel, the relevant departments acknowledged that they have not prioritised disability equity but that transformation issues such as gender equity took precedent.

Only one department in the province achieved disability equity, namely Provincial Treasury. If the data provided by departments are correct then the province had achieved an overall disability equity figure of 0.22% as at June 2007, and not 0.1% as reflected on Vulindlela. This, however, is still significantly below the target of 2% set by Cabinet.

4.3.2 Free State



Picture 3: Disability inquiry held in the Free State on 27 August 2007

Table 15 provides a comparison between the disability equity status of the Free State Provincial Departments based on the Vulindlela statistics and that confirmed by departments during the inquiry held on 27 August 2007. Six departments differed with the statistics provided by Vulindlela, namely the Office of the Premier, Agriculture, Education, Local Government and Housing, Public Works, Roads and Transport and Sports, Arts and Culture.

Table 15: Status of Disability Equity in the Free State Provincial Administration.

Department	Total number of staff*	No. of persons with disabilities employed*	% of persons with disabilities*	No. confirmed by department during inquiries#	Confirmed %#
Office of the Premier	294	1	0.34%	8	2.72%
Agriculture	1119	11	0.98%	7	0.62%
Education	30363	4	0.01%	446	1.47%
Local Government and Housing	314	0	0%	6	1.91%
Provincial Treasury	290	1	0.34%	1	0.34%
Public Safety and Liaison	98	0	0%	0	0%
Public Works, Roads and Transport	4431	37	0.83%	39	0.88%
Social Development	1306	44	3.36%	44	3.36%
Sport, Arts and Culture	602	4	0.66%	8	1.32%
Tourism Environmental & Economic Affairs	685	4	0.58%	4	0.58%
Health	16247	37	0.22%	37	0.22%
Total	55749	143	0.25%	600	1.1%

Sources: * Vulindlela, Disability Statistics for the Free State as at June 2007

Figures confirmed by departments at the inquiries held on 27 August 2007 and 1 November 2007

As in the case of the Eastern Cape the highest variance between the figures on Vulindlela and that provided by departments was in the case of Education which indicated that there are 446 persons with disabilities employed (1.47%) as opposed to the four (4) reflected on Vulindlela (0.01%). The reason for this appears to be linked to the fact that the departments of Education have an Education Management Information System (EMIS) on which such data is updated. The same data is, however, not reflected on PERSAL. The Department of Agriculture reflected four persons less (7) than the figures provided by Vulindlela (11), which was attributed to personnel movements after June 2007.

Two departments, namely the Office of the Premier (2.72%) and Social Development (3.36%) have surpassed the target set by Cabinet. If the information provided by departments is regarded as accurate then the status of disability equity would be 1.1% as at June 2007 (600 persons with disabilities employed), and not 0.25% (143 persons with disabilities employed) as reflected by Vulindlela. This implies that the Province was still 0.9% behind meeting the target set by Cabinet of 2%.

4.3.3 Gauteng



Picture 4: Disability inquiry held in Gauteng on 22 October 2007

At the inquiry with Gauteng provincial departments none of the departments, except Provincial Treasury, were in agreement with the figures provided by Vulindlela. Table 16 provides a comparison between the disability equity status of the Gauteng Provincial Departments based on the Vulindlela statistics and that confirmed by departments during the inquiry held on 22 October 2007.

Table 16: Status of Disability Equity in the Gauteng Provincial Administration.

Department	Total number of staff*	No. of persons with disabilities employed*	% of persons with disabilities*	No. confirmed by department during inquiries#	Confirmed %#
Office of the Premier	159	1	0.62%	4	2.5%
Agriculture, Conservation and Environment	847	8	0.94%	14	1.65%

Department	Total number of staff*	No. of persons with disabilities employed*	% of persons with disabilities*	No. confirmed by department during inquiries#	Confirmed %#
Community Safety and Liaison	757	12	1.36%	15	1.98%
Economic Development	225	6	2.66%	Was not required to attend	
Education	69299	4	0.005%	853	1.23%
Gauteng Shared Services Center	1275	8	0.62%	32	2.50%
Health	42537	195	0.45%	195	0.45%
Housing	867	7	0.80%	2	0.23%
Local Government	200	16	2.50%	11	5.5%
Provincial Treasury	960	0	0%	0	0%
Public Transport, Roads and Works	3061	16	0.52%	21	0.68%
Total	120187	273	0.5%	1147	0.9%

Sources: * Vulindlela, Disability Statistics for Gauteng as at June 2007

Figures confirmed by departments at the inquiries held on 21 September 2007 and 6 November 2007.

The trend observed in the Free State and Eastern Cape where the Departments of Education provided data with substantially higher figures on persons with disabilities was again repeated in Gauteng where the Department of Education claimed to have 853 employees with disabilities (1.23%) and not 4 as captured on Vulindlela (0.005%). Even if the figures as provided by the departments are correct, the province as at June 2007 was still 1,1% behind meeting the target of Cabinet.

Three departments have surpassed the target set by Cabinet namely the Office of the Premier (2.5%), the Gauteng Shared Services Center (2.5%) and Local Government (5.5%).

4.3.4 Mpumalanga



Picture 5: Disability inquiry held in Mpumalanga on 28 August 2007

The variances between the figures on Vulindlela and that provided by departments during the inquiries were not as large as in the other provinces. Five departments reported slight differences with the figures provided by Vulindlela during the inquiry held on 28 August 2007 as outlined in **Table 17** below.

Table 17: Status of Disability Equity in the Mpumalanga Provincial Administration.

Department	Total number of staff*	No. of persons with disabilities employed*	% of persons with disabilities*	No. confirmed by department during inquiries#	Confirmed %#
Office of the Premier	292	4	1.36%	4	1.36%
Agriculture and Land Administration	1863	0	0%	0	0%
Culture, Sports and Recreation	286	3	1.04%	3	1.04%
Economic Development and Planning	348	3	0.86%	6	1.72%
Education	41680	67	0.16%	87	0.20%
Health and Social Services	15466	18	0.11%	58	0.37%
Local Government and Housing	817	6	0.73%	6	0.73%
Provincial Treasury	285	2	0.70%	2	0.70%
Public Works	1429	10	0.69%	20	1.39%
Safety and Security	114	3	2.63%	2	1.75%
Roads and Transport	3101	4	0.12%	4	0.13%
Total	65681	120	0.18%	192	0.29%

Sources: * Vulindlela, Disability Statistics for Mpumalanga as at October 2007

Figures confirmed by departments at the inquiry held on 28 August 2007

It is of concern that a Department such as Agriculture that employs over 1800 public servants has not recruited a single person with disability. The largest variance observed was in respect of the department of Health and Social Services which claimed to have 58 (0.37%) persons with disabilities whilst Vulindlela only reflects 18 (0.11%) persons with disabilities. None of the departments as at June 2007 had succeeded in meeting the target set by Cabinet and the province as a whole is still 1.71% behind meeting the target.

4.3.5 Western Cape Provincial Administration



Picture 6: Disability inquiry held in the Western Cape on 23 August 2007

As indicated in **Table 18** nine of the departments in the Western Cape at the inquiry held on 23 August 2007 disputed the figures on Vulindlela. Two of the departments, Agriculture and the Office of the Premier indicated that their figures include persons with disabilities (3 and 2 persons with disabilities respectively) that have not yet been captured on PERSAL. The Department of Economic Development and Tourism included two persons who have not declared their disability status as yet in the figure of five (5) provided to PSC during the disability inquiry. In the case of the Department of Health, 200 of the 291 persons identified by the department declined to be classified as persons with disabilities.

Table 18: Status of Disability Equity in the Western Cape Provincial Administration.

Department	Total number of staff*	No. of persons with disabilities employed*	% of persons with disabilities*	No. confirmed by department during inquiries#	Confirmed %#
Office of the Premier	573	3	0.52%	6	1.04%
Education	38 581	43	0.1%	104	0.2%
Community Safety	751	3	0.3%	2	0.2%
Agriculture	815	11	1.3%	19	2.31%
Cultural Affairs and Sport	582	3	0.51%	8	1.37%
Economic Development and Tourism	155	3	1.93%	5	3.2%

Department	Total number of staff*	No. of persons with disabilities employed*	% of persons with disabilities*	No. confirmed by department during inquiries#	Confirmed %#
Environmental Affairs and Development Planning	261	2	0.76	4	1.53%
Health	25 660	91	0.4%	291	1.13%
Local Government and Housing	656	7	1.06%	18	2.74%
Provincial Treasury	264	1	0.37%	2	0.75%
Transport, and Public Works	1589	22	1.38%	22	1.38%
Social Services and Poverty Alleviation	1567	11	0.70%	23	1.46%
Total	71454	200	0.28%	504	0.7%

Sources: * Vulindlela, Disability Statistics for the Western Cape as at June 2007
Figures confirmed by departments at the inquiry held on 23 August 2007

If the figures obtained during the disability inquiry as reflected in **Table 19** are correct, the Western Cape provincial departments, as at June 2007, were still 1.3% behind meeting the target of 2% set by Cabinet. Of concern is the fact that so many persons, especially in the Department of Health, appear to be reluctant to declare their disability status.

Three departments, namely Agriculture (2.31%), Economic Development and Tourism (3.2%) and Local Government (2.74%) have succeeded in surpassing the target set by Cabinet.

4.3.6 National departments



Picture 7: Disability inquiry with national departments held on 30 August 2007

Seven of the nine national departments that originally formed part of the scope of the assessment were invited to attend the inquiry. As indicated in Chapter 1, Public Enterprises was not able to attend but provided a response in writing. As indicated in **Table 19**, only the Department of Sports and Recreation disputed the figures provided by Vulindlela by stating that it employs six (6) persons with disabilities instead of three (3).

Table 19: Status of Disability Equity in Selected National Departments

Department	Total number of staff*	No. of persons with disabilities employed*	% of persons with disabilities per Vulindlela statistics*	No. confirmed by department during inquiries#	Confirmed %#
Education	887	8	1.1%%	8	1.1%
Government Communication & Information Systems	428	9	2.10%	9	2.10%
Presidency	477	7	1.46%	7	1.46%
Public Enterprises	125	4	3.20%	4	3.20%
South African Management Development Institute	146	2	1.36%	2	1.36%
Sports and Recreation	125	3	2.4%	6	3.57%
Trade and Industry	871	8	0.9%	8	0.9%
Total	3059	41	1.34%	44	1.44

Sources: * Vulindlela, Disability Statistics for the selected National Departments as at June 2007

Figures confirmed by national departments at the inquiries held on 30 August 2007 and 25 October 2007

The Departments of Government Communication and Information Systems, Public Enterprises and Sports and Recreation met the 2% target set by Cabinet. As at June 2007 the participating national departments were in total still 0.56% behind in meeting the target of 2% set by Cabinet.

4.4 IMPACT OF DISCREPANCIES IN FIGURES PROVIDED BY DEPARTMENTS AND VULINDLELA

If the figures provided by the participating national and provincial departments are combined then the overall status of disability equity in these departments would be as depicted in **Table 20**.

Table 20: Combined figures for participating national and provincial departments

Total number of staff*	No. of persons with disabilities employed*	% of persons with disabilities per Vulindlela statistics*	No. confirmed by departments during inquiries#	Confirmed %#
433914	890	0.2%	2756	0.63%

Sources: * Combined total of persons with disabilities employed by the departments that participated in the assessment extracted from Vulindlela as at June 2007

Combined total of persons with disabilities employed as confirmed by departments participating in the assessment at the disability inquiries held from 23 August to 6 November 2007

In total, departments claimed to have 1833 (0.43%) more persons with disabilities employed than the 890 persons with disabilities (0.2%) captured on Vulindlela. This is calculated by subtracting the total figure provided by Vulindlela (890) for the participating departments from the total figure claimed by the participating departments (2756). If the departments are correct then the percentage of persons with disabilities employed by the departments, calculated against the total number of employees, would be 0.63%.

The differences between the data obtained from the participating departments and Vulindlela could be symptomatic of the Public Service as a whole. It is quite possible that departments in the four provinces and at national level that did not participate in the assessment would also dispute the data on Vulindlela.

If the total difference of 0.43% between the data provided by departments (0.63%) and that on Vulindlela (0.2%) is applied to the Public Service as a whole it is possible that as at June 2006 the Public Service employed a total of approximately 6905 persons with disabilities. This figure is calculated by determining 0.63% of 1 096 102 (the total workforce of the Public Service as at June 2007) and is substantially higher than the figure of 2099 for the whole of the Public Service as reflected in **Table 13**. Whilst it is not possible to verify this figure without engaging the departments that did not participate in the assessment, it does appear that based on the information provided during the disability inquiries, there are substantially more persons with disabilities than what is captured by departments on PERSAL and subsequently extracted by Vulindlela.

4.5 SUMMARY

Despite the differences in figures provided by departments and those obtained from Vulindlela, it is clear from the information provided in this Chapter that the Public Service has a long way to go in meeting the disability equity target set by Cabinet. Whilst this Chapter has explored the extent to which departments participating in the assessment have met the target set by Cabinet, it has not dealt with the reasons why departments are struggling to recruit and retain such persons. A thorough analysis of these reasons is provided in the next Chapter.

Chapter Five

CHALLENGES IN THE EMPLOYMENT OF PERSONS WITH DISABILITIES

5.1 INTRODUCTION

During the disability inquiries the PSC focused extensively on the challenges that departments face in recruiting and retaining persons with disabilities. What emerged from the inquiries was that the employment of persons with disabilities involves far more than what is normally contained in recruitment and selection strategies. It requires a unique approach that has to go beyond securing employment for persons with disabilities but also involve the creation of an environment that caters for the unique needs of persons with disabilities to ensure that they are productively employed. The disability inquiries provided rich debate on the complexities involved in employing persons with disabilities and the participants, including the PSC, obtained a better understanding of the obstacles that must be addressed in ensuring disability equity. The involvement of the Secretary-General of the Disabled People of South Africa during the inquiries contributed in no small measure to the debate. The inputs of Heads of Department provided insight from a management perspective on the challenges experienced in employing persons with disabilities that would not have been obtained had the PSC relied on the written responses to its questionnaire.

In a report of this nature, however, it is not possible to reflect on the full extent of the debate emerging from the disability inquiries that were held. This Chapter therefore addresses the common challenges experienced by departments in the employment of persons with disabilities.

5.2 LACK OF A CLEAR DEFINITION

During the disability inquiries departments expressed concern that they were unable to identify persons with disabilities as the definition contained in the Code of Good Practice on Key Aspects on the Employment of persons with disabilities⁵⁷ issued in terms of the Employment Equity Act, 1998⁵⁸ is too vague and presents interpretational problems. The Code defines disability as having a physical or mental impairment, which is long term, or recurring and which substantially limits prospects of entry into, or advancement in employment⁵⁹. The wording of the definition required departments to establish what a “physical or mental impairment” entails and whether such impairment substantially “limits prospects of entry into, or advancement in employment”.

A common view expressed during the disability inquiries was that the definition, instead of assisting, confuses departments and persons with disabilities in trying to establish disability status. Without specific examples of the nature of disability, departments found it difficult to determine whether a specific physical or mental impairment identified in respect of an employee should be regarded as a disability or not. This problem was compounded by the fact that employees identified did not always view themselves as being disabled and departments could not provide them with a definition that could verify their classification as a person with a disability. As a result of the lack of clarity regarding the definition departments indicated that there are persons with disabilities that have not been identified in their employment and therefore have not been reflected on PERSAL.

The JobAccess Strategy 2006-2010⁶⁰ adopted by Cabinet provides a more detailed definition of disability. In terms of this definition disability amounts to “the loss or elimination of opportunities to take part in the life of the community equitably with others that is encountered by persons having physical, sensory, psychological, developmental, learning, neurological, or other impairments, which may be permanent, temporary, or episodic in nature, thereby causing activity limitations and participation restriction with the mainstream society. These barriers may be due to economic, physical, social, attitudinal and/or cultural factors”⁶¹. At the time of the disability inquiries the Job Access Strategy had only recently been introduced and the participating departments could therefore not comment on whether the new definition provided them with more assistance in identifying

57 *Republic of South Africa, Employment Equity Act, No. 55 of 1998 – Code of Good Practice on the Employment of Persons with Disabilities.*

58 *Republic of South Africa, Employment Equity Act, No. 55 of 1998.*

59 *Republic of South Africa, Employment Equity Act, No. 55 of 1998 – Code of Good Practice on the Employment of Persons with Disabilities.*

60 *Republic of South Africa, JobAccess Strategy 2006 to 2010, a Strategy for the Public Sector, 2007.*

61 *Republic of South Africa, JobAccess Strategy 2006 to 2010, a Strategy for the Public Sector, 2007.*

persons with disabilities. The PSC is, however, of the view that the new definition is far more elaborate than that contained in the Code of Good Practice on Key Aspects on the Employment of persons with disabilities⁶² and should address the concerns raised by departments.

5.3 LACK OF EMPLOYMENT EQUITY PLANS

One of the basic requirements in terms of the Employment Equity Act, 1998⁶³ is that employers must develop employment equity plans which must be submitted to the Department of Labour. Equity plans contain targets and mechanisms through which employers will achieve equity. It therefore serves as basis for employers, including Public Service departments, for planning to meet their disability equity targets.

A measure of the lack of planning in terms of achieving equity for all target groups, but especially persons with disabilities, is the fact that out of the 64 participating departments at national and provincial level, 25 did not have approved employment equity plans in place as at December 2006. This translates to 40% of the departments that participated. It is of concern that departments were not in compliance with this legislative requirement.

Where employment equity plans were in place most of these addressed disability equity holistically by providing objectives in terms of targets, reasonable accommodation and assistive devices. However, in some cases the emphasis was only on targets. Human resource planning should supplement the budgetary process and if reasonable accommodation and assistive devices are not included in such plans then it can be expected that budgetary constraints will be experienced when employing persons with disabilities.

5.4 INADEQUATE RECRUITMENT AND RETENTION STRATEGIES

Only through effective recruitment and selection practices will the Public Service succeed in attracting the right candidates for vacant posts. The recruitment and selection processes must therefore be carefully thought through and devised for a specific target group.

Departments participating in the disability inquiries mostly relied on the normal advertising process to recruit persons with disabilities. Whilst the majority indicated in their advertisements that representativity will be promoted through the filling of the relevant posts, few highlighted the fact that such posts are specifically earmarked for persons with disabilities. The adopted process of including the wheelchair emblem on the advertisement was only practiced by a minority of departments. A number of departments acknowledged that they had not prioritised the employment of persons with disabilities but that attention was rather focused on the employment of other target groups such as women in managerial positions. This was particularly the case in the Eastern Cape with two departments that employed no persons with disabilities.

The manner in which persons with disabilities are informed about vacancies also appears to be problematic. Advertisements are normally placed in newspapers and the Public Service Vacancy Circular distributed by the Department of Public Service and Administration. Such newspapers, and especially the Circular, do not always reach rural communities. In addition the printed format of advertisements precludes persons with visual impairments from being informed about job opportunities. None of the departments have employed radio as a medium through which persons with disabilities are informed about employment opportunities. Whilst acknowledging that such an approach is costly, it is deemed justifiable given the apparent difficulty experienced in reaching the target group.

The creation of a central data-base which contains details of persons with disabilities that are economically active also appears to be problematic. Such a data-base can be housed in the Office of the Premier in the case

62 *Republic of South Africa, Employment Equity Act, No. 55 of 1998 – Code of Good Practice on the Employment of Persons with Disabilities.*

63 *Republic of South Africa. The Employment Equity Act, 1998.*

of provinces and information can be sourced by departments when targeting specific posts for the purpose of employing persons with disabilities. The lack of coordination with organisations representing persons with disabilities appears to be a contributing factor to the inability of departments to create such a data-base. In all the Provinces, except the Free State, there is no central database of persons with disabilities, which indicates their qualifications and skill levels, as well as the type of disability. This information is vital in assisting departments to recruit as well as to ensure reasonable accommodation of diverse disabilities.

Another recruitment strategy that has not been optimised is links with academic institutions. Only in one province, the Free State, was mention made of links with academic institutions for the purpose of recruiting graduates for learnership programmes. Given that a major constraint identified by departments is inadequate skills and qualifications amongst persons with disabilities, the lack of such links is viewed as shortsighted.

Departments also do not appear to make use of head-hunting for persons with disabilities as an alternative recruitment strategy. In one instance where a department made use of a recruitment agency targeting specifically persons with disabilities there was limited success and the fees charged by the recruitment agency was regarded as exorbitant.

Only in a very few instances did departments indicate that they make bursaries available to students with disabilities. The benefits that can be derived by departments from the contractual obligations emanating from the granting of bursaries for employment purposes are therefore not pursued.

It became clear during the disability inquiries that the thought processes that go into the recruitment strategies when targeting persons with disabilities do not take into consideration the complexities involved in actually reaching the target group. This was acknowledged by departmental representatives during most of the inquiries. Human Resource Components have not made a paradigm shift from normal recruitment processes to overcome the unique challenges in recruiting persons with disabilities. Given that disability equity has only really been given prominence since the advent of democracy in South Africa such limitations are understandable but are not excusable.

5.5 LINKS WITH ORGANISATIONS REPRESENTING PERSONS WITH DISABILITIES NOT OPTIMISED

It emerged during the disability inquiries that many departments have established some form of link with organizations representing persons with disabilities. **Table 21** provides information on departments that have established links with such organisations.

Table 21: Participating departments that have established links with organizations representing the disabled

PROVINCE	DEPARTMENTS
EASTERN CAPE	Office of the Premier Agriculture Education Safety & Liaison Health Social Development Roads & Transport
FREE STATE	Education Public Safety, Security & Liaison Social Development

PROVINCE	DEPARTMENTS
GAUTENG	Local Government Health Community Safety & Liaison Housing Agriculture, Conservation & Environment Public Transport, Roads & Works
MPUMALANGA	Office of the Premier Public Works Culture, Sports & Recreation Economic Development & Planning Safety & Security Provincial Treasury Roads & Transport
WESTERN CAPE	Education Environmental Affairs & Development Planning Agriculture Office of the Premier Economic Development & Tourism Local Government & Housing
NATIONAL DEPARTMENTS	Sports & Recreation Trade & Industry Public Enterprises Education
TOTAL	33

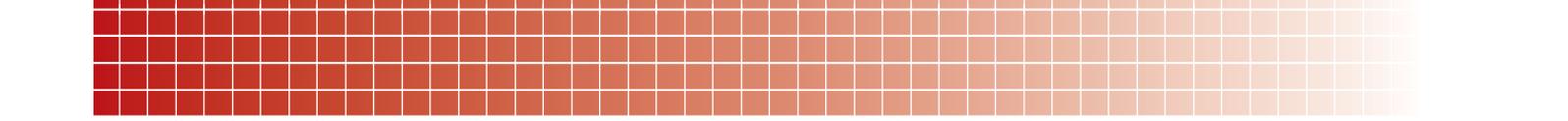
It was, however, clear that in many instances such links were of informal nature and that no real benefits have been derived from a recruitment point of view by such departments. In a few instances departments reported that they forward their advertisements to such organisations but that this has not substantially assisted in the recruitment of persons with disabilities. Links with such organisations could be used to create a data-base of potential candidates for posts in the Public Service. Unfortunately departments have not seized this opportunity that presents itself.

5.6 REHABILITATION OF PUBLIC SERVANTS DISABLED AS A RESULT OF INJURIES SUSTAINED

Public servants that sustain an injury and as a result thereof are disabled in many instances are retired from the Public Service on ill-health considerations. During the disability inquiries it emerged that the various departments of Health do not have specific programmes aimed at rehabilitating such persons to ensure that they can continue working in the Public Service in a productive manner. In the view of the PSC this is a serious omission as such public servants can be retained for the benefit of themselves and the State as employer.

5.7 PERSONS WITH DISABILITIES DO NOT APPLY FOR POSTS

Whilst the recruitment strategies employed by departments are open for criticism, the reality faced by almost all of the departments that participated in the disability inquiries is that persons with disabilities do not apply for posts even when advertisements clearly indicate that posts are earmarked for persons with disabilities. In cases where persons with disabilities apply many of them do not possess the minimum requirements for the post in terms of qualifications, skills and experience.



The challenge of inadequate recruitment strategies has obviously contributed to the fact the persons with disabilities do not apply for posts. However, a further contributing factor that inhibits persons with disabilities from applying for positions in the Public Service is the common practice of overstating the minimum requirements for posts. This is particularly the case in respect of qualifications. As no data-bases exist with the details of persons with disabilities experience, skills and competencies, departments are unable to match such attributes with specific posts and therefore rely heavily on qualifications as a measure of competence. This precludes persons with disabilities that have not had an opportunity to obtain further education from obtaining posts other than low level entry positions.

It emerged during the disability inquiries that there are still many offices of departments that are not accessible to persons with disabilities. Accessibility is a visible manifestation of the Public Service's attitude towards persons with disabilities and the lack of priority attached thereto may create negative perceptions amongst the very people that the Public Service wants to employ. These perceptions may result in persons with disabilities not viewing the Public Service as an employer of choice and therefore not bothering to apply for positions when advertised.

5.8 INABILITY TO ATTRACT SUITABLE QUALIFIED AND SKILLED PERSONS WITH DISABILITIES

Persons with disabilities that apply for posts in most instances do not have the required qualifications and skills. The departments of Health in most of the provinces raised the concern that especially in the professional occupations such as medical doctors and professional nurses, the pool of suitably qualified persons with disabilities is very small and they experience extreme difficulty in recruiting persons with disabilities for such posts. Associated with this problem is the fact that departments find it difficult to attract highly skilled and experienced persons with disabilities due to competition from private companies that are also trying to meet their disability targets.

Another factor that inhibits the recruitment of persons with disabilities to specific occupations is the physical demands attached to such occupations. This was particularly mentioned in relation to the departments of Public Works and Transport. The relevant occupations, such as road traffic officers, require persons to have a high level of mobility whilst hearing and visual abilities are also essential.

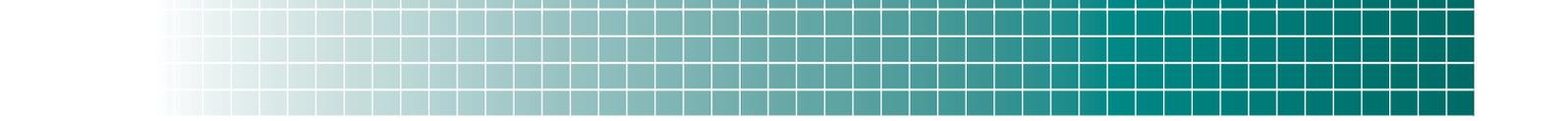
The nature of certain occupations, in the view of the PSC, does inhibit the employment of persons with disabilities that can not meet the physical demands associated with the job descriptions of such occupation (such as eye sight in the case where driving a motor vehicle is a requirement). It, however, emerged during the disability inquiries that as a result of stigmatisation associated with disability, departments sometimes overlook the abilities of persons with disabilities and rather focus on their impairments. Through such an approach the focus is on why persons with disabilities cannot be employed rather on where they can be productively utilised.

5.9 RELUCTANCE BY PWDS TO DISCLOSE THEIR STATUS

Employees in many instances are reluctant to disclose their disabilities either due to fear of being stigmatised, not knowing what the benefits of disclosure would be for them, or simply because they did not regard themselves as having a disability. This makes it difficult for departments to classify such employees as persons with disabilities even though in some instances the disability is visible.

The EEA1 form provided in the Code of Good Practice in the Employment of Persons with Disabilities, issued in terms of the Employment Equity Act, 1998⁶⁴, is used by certain departments to identify persons with disabilities. Even though this form is very basic and non-intrusive of nature employees do not want to disclose their status.

⁶⁴ Republic of South Africa. *The Employment Equity Act, 1998, Code on Good Practice on the Employment of People with Disabilities.*



Another reason provided by departments why persons with disabilities do not want to disclose their status, is that the field on PERSAL on which disability is registered requires too much information of an intrusive nature. On a closer analysis of what PERSAL actually requires, the concerns of departments appears to be valid. This will be discussed in more detail in the next paragraph dealing with inadequate management information on disability in this Chapter.

5.10 INADEQUATE MANAGEMENT INFORMATION ON PERSONS WITH DISABILITIES

As indicated in Chapter 4, there are major discrepancies between the information captured on PERSAL regarding the number of persons with disabilities employed and the figures provided by departments. This is to a large degree attributed to the complex and intrusive nature of the field on PERSAL that must be completed by employees to be recorded as a person with a disability on the system. An analysis of what PERSAL requires found that the concerns expressed by departments are valid.

On assumption of duty persons with disabilities must provide very personal and intrusive information such as what their weight and height are as well as what blood type they have. The system, amongst others, further requires that they indicate whether or not they are blood donors. No medical reports are required, as was suggested by certain departments. However, the nature of information required by PERSAL as referred to seems to be irrelevant in determining whether a person has a disability or not. The amount of information required on the system may be overwhelming for persons with disabilities and as a consequence they may not want to disclose their disability.

Given that persons with disabilities do not want to disclose their status departments are faced with a situation that their true status as far as disability equity is concerned is not reflected on PERSAL, the official human resource management system upon which departments and oversight bodies such as the PSC rely. As a consequence the actual figures as far as disability equity cannot be reported placing departments in an embarrassing situation.

5.11 JOB HOPPING WITHIN THE PUBLIC SERVICE

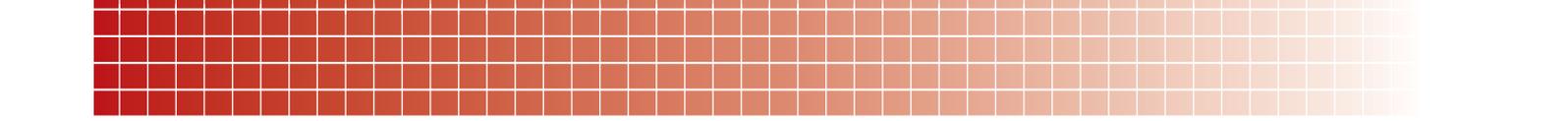
A common frustration experienced by most departments during the disability inquiries was the phenomenon of job hopping by persons with disabilities as departments compete with each for the employment of persons with disabilities. The consequence of job hopping is that departments go through the process of recruitment, orientation and training of persons with disabilities only to lose them to other departments through more lucrative offers. This is, however, also an indication that departments may not apply their minds adequately to retention strategies for persons with disabilities.

The PSC has become aware of the tendency of job hopping amongst Public Service staff in general, especially in the middle management level. It appears that departments that are not faced with budgetary constraints are able to grade similar posts on a higher level and as such are able to recruit staff from departments that are not able to do so. This tendency which the Office of the PSC has experienced first hand may also contribute to the phenomenon of job hopping amongst persons with disabilities.

5.12 MANAGEMENT IMPLICATIONS ASSOCIATED WITH EMPLOYING PERSONS WITH DISABILITIES

During the disability inquiries a very valid constraint emerged from Departments that has an impact on the employment of persons with disabilities namely the implications that it has from a management point of view. These implications were particularly highlighted in detail by the Director-General of the Premier's Office in the Gauteng Provincial Administration at the disability inquiry held on 22 October 2007⁶⁵.

⁶⁵ *Disability Inquiry of the Public Service Commission held with the Gauteng Provincial Administration on 22 October 2007.*



When departments budget for the filling of posts they can only make provision for the actual costs in terms of the remuneration package associated with the posts. The reality, however, is that the employment of persons with disabilities sometimes have hidden costs associated therewith. A number of examples were cited in this regard, namely:

- When a department employs persons with hearing impairments the need for the services of an interpreter skilled in sign language sometimes arises, especially where large meetings are held and the deaf person is not able to read lips. This results in additional expenditure. In some instances interpreters are employed on a permanent basis, resulting in the filling of a post which was not designed for such a purpose. This places additional strain on management as such persons have to be employed productively when not used for interpretation purposes.
- Persons who are visually impaired require assistive devices such as documents in brail and special computers with screen magnification which are also not budgeted for through the normal budgeting processes.
- Persons who have impaired functioning of their limbs frequently require transport. As public transport is not accessible for such persons, departments have in some instances taken it upon themselves to provide such transport. This requires the appointment of an additional driver(s) and place additional cost constraints on the department through the use of official transport. In one case a person who is paralysed has been provided with transport to be taken from home to work and back. The person insisted that his wife be employed placing the Head of Department in a difficult position given the requirement for open competition for posts. The practice of providing such transport, although not a requirement in any regulatory provision has also become an issue of entitlement for the employee concerned and the Head of Department has been forced to continue with a practice that he does not necessarily agree with.
- In some instances the total layout of an office must be changed for the employment of a person with a disability. Desks and chairs must for example be able to accommodate the specific disability.

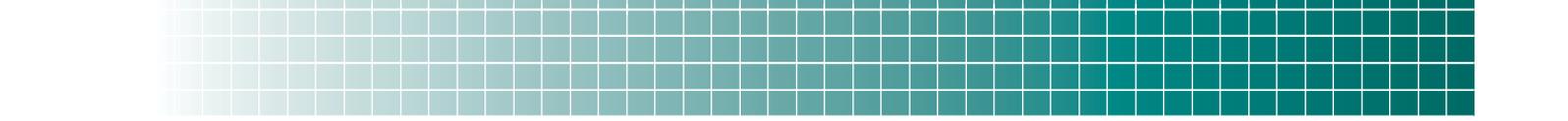
However, the implications from a management perspective are not only limited to cost implications only. At the Gauteng disability inquiry it was indicated that certain persons with disabilities develop a sense of entitlement, believing that they should receive preferential treatment at all times. One Director-General in particular indicated that he was inundated with complaints from certain persons with disabilities and that most of these complaints are not of substance but still require his attention and time. This tendency should, however, not be generalised as applicable to all persons with disabilities as this was not a common constraint identified during the disability inquiries.

5.13 MARGINALISATION OF PERSONS WITH DISABILITIES BY MANAGEMENT

Perspectives provided by persons with disabilities that attended some of the disability inquiries suggest that management marginalises them and that disability equity is not being prioritised. Indicative of this is the fact that most of them are appointed in lower positions and do not therefore have any strategic impact.

It was indicated that persons with disabilities do not form part of management meetings and therefore are denied an opportunity for input into decision-making affecting their employment conditions and the work environment. As result of their exclusion from such meetings they are further marginalised and their specific needs are not addressed.

Management also does not take into consideration the practicalities associated with certain disabilities. An example that was provided is that documentation on issues to be discussed at meetings are not circulated prior to or at meetings. Persons with hearing impairments, for example, cannot follow discussions at these meeting when sign language services are not available as they do not have documentation relevant to the subject. The PSC was alerted to its own lack of sensitivity in this regard during one of the disability inquiries as copies of documentation were only made available to Heads of Department.



It was evident by the inadequate information provided in response to the PSC's questionnaire and admitted by various departments during the disability inquiries conducted by the PSC that management has not made disability equity a strategic priority. It would appear as if achieving disability equity is not being included as part of the Core Management Competencies of Change Management and People Management and Empowerment in the performance agreements of senior managers.

5.14 LACK OF DISABILITY AWARENESS IN DEPARTMENTS

Most of the departments have not embarked on intense disability awareness programmes. The lack of awareness of disability issues results in a culture of non-tolerance, impatience, lack of understanding and frustration as employees that have no disabilities are unsure as how to treat their counterparts with disabilities. This results in mutual frustration and creates an uncomfortable work environment. Normally abled employees often pity persons with disabilities and as result do not treat them on equal footing. The Secretary General of the Disabled People of South Africa remarked during the inquires that such attitudes turns persons with disabilities into second-rate citizens and impact on their functioning within the work place. Through such patronising behaviour the focus is placed on the disability rather than on what the person contributes or could contribute to the organisation.

5.15 POOR ACCESSIBILITY FOR PERSONS WITH DISABILITIES

In the responses received from departments to the PSC's questionnaire most indicated that they have created the necessary accessibility for persons with disabilities. However, during the disability inquires it emerged that may departments have only addressed accessibility partially in their head offices and that were many regional offices that were not yet disability friendly.

Even at head office level many departments were still struggling to achieve accessibility as important issues such as brail in escalators and ablution facilities for wheel chair bound persons have not been provided. In cases where ablution facilities have been provided, many buildings with multiple floors only had a limited number of such facilities resulting in persons with disabilities having to leave their workstations to go to other floors in order to utilise the facilities.

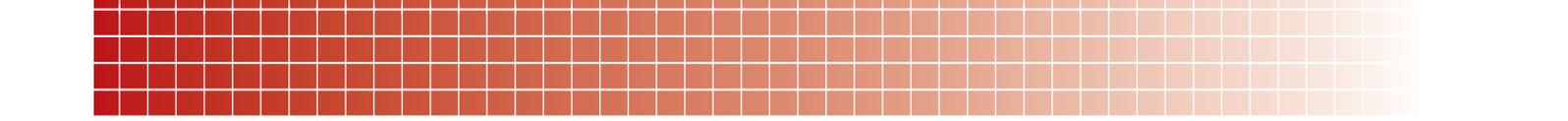
It was observed during one of the disability inquiries that the venue for management meetings was on a floor not accessible to persons using a wheel chair. This is again indicative of the extent to which persons with disabilities are marginalised.

In many of the provinces the blame for the inaccessibility of buildings was directed at the Department of Public Works. Departments were of the view that the Department of Public Works is responsible for infrastructural modifications to buildings and as such it also responsible for ensuring accessibility. Whilst there is some truth to this, the department cannot provide the services required if it is not alerted by other departments to the changes that need to be effected. Ultimately the responsibility to ensure that a conducive work environment is created is that of the Head of Department.

It was also disconcerting to note that the departments of Health and Education are still facing accessibility problems in most of the provinces as it is a core function of these departments to treat and educate persons with disabilities.

5.16 SUMMARY

The findings of this assessment have illustrated that the problems associated with achieving disability equity in the Public Service is multi-faceted and may not be attributed to a lack of commitment by Public Service Leadership only. A thread that runs throughout the findings is that there may be a lack of understanding of what



it entails to create a work environment conducive to the employment of persons with disabilities. Unless such an environment is created, persons with disabilities will not view the Public Service as an employer of choice and departments will continue to battle in achieving the target set by Cabinet.

During the disability inquiries the PSC did not only focus on challenges experienced but also attempted to ascertain what good practices have been employed. The next Chapter deals with the findings in this regard.

Chapter Six

GOOD PRACTICE IN PROMOTING DISABILITY EQUITY

6.1 INTRODUCTION

The challenges faced by the Public Service in achieving disability equity are not insurmountable if departments apply appropriate strategies. It became evident during the disability inquiries that even in departments where disability equity has not been achieved practical steps are being taken to address this shortcoming. Departments generally indicated that the targets were indeed achievable.

The disability inquiries provided powerful information for those departments that have not prioritised disability equity and the PSC is convinced that the outcome of the disability inquiries will have positive implications in the participating provinces and national departments through the knowledge and experiences shared.

This Chapter provides an overview of the good practices observed during the disability inquiries.

6.2 INTENSIVE DISABILITY AWARENESS CAMPAIGNS

Disability awareness was identified as a major constraint in ensuring disability equity, especially by persons with disabilities themselves. Very few departments have developed disability awareness campaigns, but where this has been instituted, the benefits are already being reaped.

The Gauteng Department of Agriculture, Conservation and Environment serves as a good example in this regard. Even though the Department has not yet succeeded in meeting the 2% target they have implemented a comprehensive disability awareness and sensitisation campaign. The campaign comprised communication on disability through workshops and the distribution of pamphlets and posters which was run over 3 months to create awareness and sensitise staff about disability in the workplace. The department decided to brand their disability awareness project and called it **Operation REAKGONA**⁶⁶ (we are able). This campaign informed employees and the public that the department is an employer that treats disability as a key priority and dispels discrimination against persons with disabilities. This project was run in conjunction with an audit on disability in the department.

The Western Cape Department of Local Government and Housing also indicated that a disability programme is included in its Employment Equity Plan and that workshops and awareness campaigns are conducted within the department to sensitize employees on issues of disability. No details of such workshops and awareness campaigns were, however, provided.

The PSC views awareness on disability issues as imperative for the achievement of disability equity. The conducting of awareness campaigns is a good practice which should be promoted throughout the Public Service. Intensive disability awareness programmes assist in changing the mindset of employees, encourages disclosure, and creates a conducive environment for persons with disabilities with disabilities to function properly.

6.3 AUDITS OF ACCESSIBILITY AND ACCOMMODATION

In various departments an environmental audit of all buildings has been conducted to ascertain their accessibility for persons with disabilities. It would appear, however, that in many instances such audits only commenced after the PSC initiated this assessment and that the conducting of the audits had been reactive rather than proactive. Again the Gauteng Department of Agriculture, Conservation and Environment served as a good practice example. During its audit⁶⁷ the department focused on the following accessibility issues affecting persons with disabilities:

⁶⁶ Republic of South Africa. Gauteng Department of Agriculture, Conservation and Environment, REAKGONA audit report, January 2007.

⁶⁷ Republic of South Africa. Gauteng Department of Agriculture, Conservation and Environment Environmental Assessment for Disability Accessibility, 2006.

- Building design
- Availability of disabled parking
- Size of parking bays
- Access to buildings
- Lighting car parks
- Identification signs
- Kerbs on edge of ramps
- Gradients
- Stairs
- Handrails
- Doorways
- Windows
- Toilets
- Light switches
- Signals and warnings
- Signs

The findings included most infrastructural issues to be addressed but did not look into the crucial aspect of brail and audio in lifts. The environmental assessment reports with recommendations were forwarded to the facilities management component of the Department for implementation. The extent of implementation was not established at the time of the disability inquiries.

The conducting of such audits, followed through with immediate action, is regarded as a good practice by the PSC.

6.4 AUDITS OF THE NUMBER OF PERSONS WITH DISABILITIES EMPLOYED

It became apparent during the disability inquiries that departments were spurred into action by the correspondence by the PSC announcing the assessment. In response to the PSC's summaries on the status of disability equity in their departments, many of the Heads of Department referred to recently conducted audits of the number of persons with disabilities in their departments to dispute the figures obtained by Vulindlela. This was particularly the case in the departments of Education.

The information obtained on the audits conducted, subsequent to the disability inquiries, however, did not provide details of how the inquiries were conducted, except in the case of the Gauteng Department of Agriculture, Conservation and Environment. This department, after going through a process of identifying possible persons with disabilities, made use of occupational therapists to verify whether the persons in actual fact could be classified as a person with a disability and to determine the nature of the disability. The occupational therapists were also used to conduct ergonomic assessments for workstation requirements of disabled staff. This approach is viewed as a good practice and the Department should be commended for their efforts in this regard.

Whilst such audits is a good practice departments appear not to be following through by ensuring that information on such persons is captured on PERSAL to reflect the true status of disability equity.

6.5 AFFIRMATIVE RECRUITMENT PROCESSES:

Various departments highlighted successes in their recruitment strategies that have contributed to their success in recruiting persons with disabilities. Some of the successes shared were as follows:

- The Department of Government Communication Information Systems attributes its success to reviewing employment equity statistics on a monthly basis and informing the branches/sections of the EE status.
- The Western Cape Department of Agriculture attributed their achievement to forging links with the Athlone School for the Blind, Organisation for Disabled Persons and the Paarl School for the Disabled. Targeted recruitment is done through organisations and recruitment agencies for persons with disabilities. The department also embarked upon a JobAccess Strategy in May 2007 and employees are also compelled to complete the EEA1 form.
- The Gauteng Shared Services Center has forged strong links with disability organisations and has placed recruitment boxes at these various organisations. The department conducts training at the various organisations on Public Service recruitment practices.
- The Free State Department of Social Development has formed a partnership with First National Bank to assist them to recruit persons with disabilities for their newly established academy.
- Various departments reported the use of bursaries as a recruitment mechanism. In addition new graduates are appointed in learnership programmes with the view of appointing them in posts on the fixed establishment.

The successes reported by departments emphasise the importance of links with organisations representing the disabled. If such links are optimised departments will be able to reach a bigger pool of potential candidates with disabilities.

6.6 CAPACITY BUILDING

Employment equity should be seen in the broader context of Affirmative Action in that numerical targets are only but one of various indicators of success. A key aspect provided for in the White Paper on Affirmative Action, 1998⁶⁸ is the development of staff representing the target groups. In the case of persons with disabilities this is even of more importance given their historically disadvantaged position.

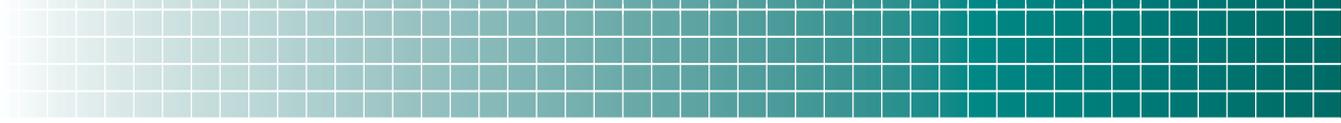
Mention has already been made in this Chapter of granting of bursaries for persons with disabilities as a recruitment strategy. A number of departments also mentioned the granting of bursaries as a means of building capacity for persons with disabilities already in their employment.

A capacity development strategy that is noteworthy was observed during the disability inquiry in the Eastern Cape. The Provincial Treasury in the Eastern Cape targets persons with disabilities for posts at the Middle Management level and through mentoring and coaching award them the opportunity to progress to the SMS level. Having persons with disabilities in the SMS level meant that the process of disability equity was driven from management level thus ensuring its prioritisation within the department.

6.7 SUMMARY

It became apparent to the PSC that many of the initiatives mentioned during the disability inquiries were only embarked upon during the latter part of 2006 and the beginning of 2007 after the PSC informed departments about its intention to conduct this assessment. However, the initiatives put in place must be commended and the departments involved are encouraged to persevere in prioritising disability equity.

⁶⁸ Republic of South Africa. White Paper on Affirmative Action, 1998.



The good practices identified ranging from disability awareness to capacity building again illustrates that disability equity requires a multi-dimensional approach. The emphasis cannot be on recruitment alone but should consider the employment conditions of persons with disabilities holistically. Only through such an approach will departments succeed in becoming an employer of choice for persons with disabilities.

Chapter Seven

MAIN FINDINGS AND RECOMMENDATIONS

7.1 INTRODUCTION

The PSC has made a number of findings on the challenges experienced in the achievement of disability equity and the strategies that are employed to overcome these challenges. It has become apparent that to deal with disability equity requires a unique approach that involves a review of the circumstances that would dictate the successful employment of persons with disabilities.

This Chapter provides synopses of the main findings of this assessment and the recommendations of the PSC emanating from these findings.

7.2 MAIN FINDINGS

The main findings of the PSC in respect of disability equity in the selected national and provincial departments can be summarised as follows:

- **Disability is not clearly defined** and as a result departments experience difficulties in identifying persons with disabilities;
- **There is a lack of employment equity plans**, resulting in inadequate planning for the achievement of disability equity;
- **Inadequate recruitment and retention strategies are applied**, with the focus on normal advertisement practices thereby excluding potential candidates with disabilities;
- **Links with organisations representing persons with disabilities are not optimized**, and are mostly based on informal relationships resulting in the desired pool of PwDs not being reached for recruitment;
- **Public servants disabled as a result of injuries sustained are not rehabilitated** and as such their services to the Public Service is lost through early ill-health retirement;
- **Persons with disabilities do not apply for posts** as they are not aware of such posts existence or do not view the Public Service as an employer of choice;
- **There is an inability to attract suitable qualified and skilled persons with disabilities**, in certain specialised occupations or where the posts attached to occupations have specific physical demands associated;
- **Persons with disabilities are reluctant to disclose their status** as a result of fears of stigmatisation and victimisation;
- **Inadequate management information on persons with disabilities** is available for monitoring and evaluation purposes as persons with disabilities are not captured on PERSAL due to difficulties with the field created on PERSAL for this purpose;
- **Job hopping within the public service results in retention problems** as departments poach persons with disabilities from each other to promote their disability equity figures;
- **Management faces multiple implications associated with employing persons with disabilities**, due to the unique needs of persons with disabilities that have to be accommodated and the associated costs involved that are not budgeted for;
- **Persons with disabilities are marginalised by management** by not involving them in management decisions and by not ensuring that they have accessibility to management meetings; and
- **There is poor accessibility for persons with disabilities** in respect of buildings and workplace ergonomics.
- **Good practices are being applied by departments** through disability awareness campaigns, audits of accessibility and adequate accommodation, affirmative recruitment practices and capacity building.
- **The inherent “cost implications” of appointing persons with disabilities** is a great challenge as departments do not have adequate financial resources to cater for the needs of people with disabilities within the workplace.

7.3 RECOMMENDATIONS

The recommendations contained in this Chapter recognises that the Public Service has put in place a comprehensive strategy to address disability equity through the development of a JobAccess Strategic Framework 2006-2010⁶⁹ with the main objective of transforming the Public Sector to be inclusive of persons with disabilities. The long-term aim of the strategy is that persons with disabilities should participate in all activities in society on the same terms as people who do not have disabilities. The onus is upon departments to ensure that the Strategy is implemented.

7.3.1 Creating awareness

Departments need to ensure that disability awareness becomes a critical function within Human Resource Management through the assignment of such responsibility to the relevant Senior Manager responsible for Human Resource Management. The Human Resource Management component should embark on extensive disability awareness campaigns focusing on all aspects associated with the employment of persons with disabilities. Not only should this function be restrictive to HRM it should also become the responsibility of all line managers. This will assist with the reluctance of employees to disclose their disability status due to stigmatisation as well as create a disability friendly environment. The assistance of organisations representing the disabled can be obtained to assist developing the contents of such programmes.

An integral part of awareness campaigns should be the education of managers around the requirements of targeted recruiting mechanisms and the practical implications of employing persons with disabilities such as reasonable accommodation and workstation requirements⁷⁰.

7.3.2 Improved recruitment practices

Advertisements need to explicitly target persons with disabilities by indicating that persons with disabilities will receive preference during selection. The wheel chair emblem must be included on all such advertisements. The type of job and functions as well as the minimum requirements for employment must also clearly be defined in the advertisement so as to ensure that persons with disabilities are able to determine whether they are qualified to perform in the relevant post⁷¹.

Alternative advertising methods in the media should be explored such as the radio especially to target persons with visual impairments. Links with organisations representing persons with disabilities should also be fostered to create access to persons with disabilities.

At provincial level a Job Access event should be held during which managers can meet potential candidates in their region and elaborate on employment opportunities in their departments. Promotional material must also be developed that displays the Public Service as an employer of choice to persons with disabilities⁷².

7.3.3 Accelerating skills development amongst persons with disabilities

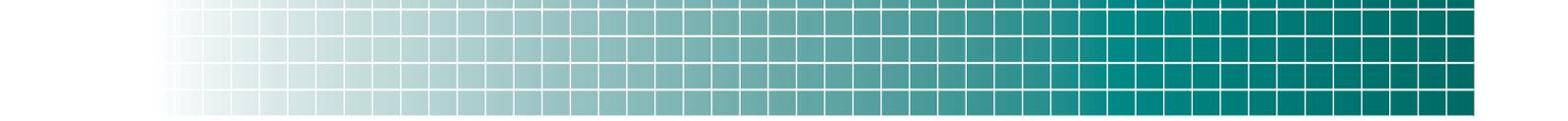
In order to meet the 2% target departments need to put in place internships and learnership programmes to afford persons with disabilities the opportunity to obtain the necessary skills to assist them in securing employment. The granting of bursaries to employees with disabilities should be considered in order to ensure that such employees are afforded an opportunity of progression within the department once qualified.

69 Republic of South Africa, Department of Public Service and Administration, JobAccess Strategic Framework, 2006 -2010, 2007.

70 Republic of South Africa, Department of Public Service and Administration, JobAccess Strategic Framework, 2006 – 2010, 2007

71 Republic of South Africa, Public Service Regulations, 2002.

72 Republic of South Africa, Department of Public Service and Administration, JobAccess Strategic Framework, 2006 – 2010, 2007.



Departments must continuously monitor whether persons with disabilities receive proportional shares of work assignments and training opportunities⁷³ to ensure that their development is given the required attention when measured against normally abled staff.

Institutes of Higher Learning should consider awarding preferential bursaries to persons with disabilities in respect of highly technical and professional fields consistent with the nature of the disability.

7.3.4 Resource Allocations

Departments need to allocate adequate resources in their Medium Term Expenditure Framework for the provision of an enabling environment for persons with disabilities. Such allocations should take into consideration the costs associated with the purchasing of assistive devices and furniture that meets the needs of persons with disabilities.

7.3.5 Development of a Central Database for persons with disabilities

A central database needs to be developed in each Province to enable national and provincial departments to source candidates with disabilities. Departments must co-operate with organisations for disabled persons in the developing such a data base.

7.3.6 Commitment by Senior Managers to promote Disability Equity

To increase the commitment of senior managers on disability issues, disability equity needs to be included in the performance agreements of all senior managers within a department as a strategic priority under the Core Management Competencies of Change Management and People Management and Empowerment. The need to prioritise disability equity should be conveyed to senior managers during the awareness campaigns referred to in paragraph 7.3.6.

7.3.7 Development of Retention Strategies

It is evident from the findings that many departments have no retention strategies in place specifically focusing on persons with disabilities. It is imperative that departments develop such strategies in order to meet and maintain their equity targets. As part of the retention strategies departments should conduct entrance and exit interviews with persons with disabilities to establish what attracted them to the department and why their services could not be retained⁷⁴.

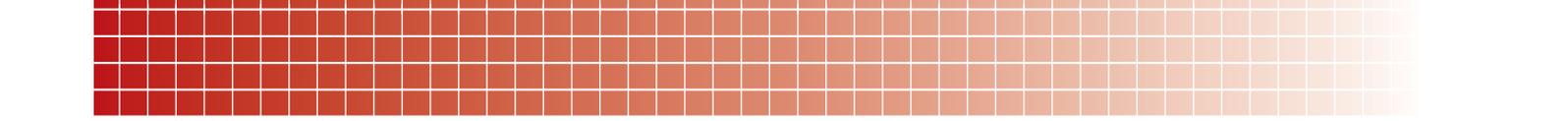
7.3.8 Development of Strategic Partnerships

Strategic and ongoing partnerships need to be forged with organisations for disabled persons. Such links should ensure that people of various disabilities are reached and provided with opportunities to apply for employment. Organisations representing the disabled can also assist with the development of departmental programmes on recruitment and awareness.

7.3.9 Simplifying the field on PERSAL

National Treasury should consider simplifying the field on PERSAL on which persons with disabilities are identified. Only the nature of the disability should be required and departments should not be reliant on medical reports for the identification process.

⁷³ Republic of South Africa, Department of Public Service and Administration, JobAccess Strategic Framework, 2006 – 2010, 2007
⁷⁴ Republic of South Africa, Department of Public Service and Administration, JobAccess Strategic Framework, 2006 – 2010, 2007.

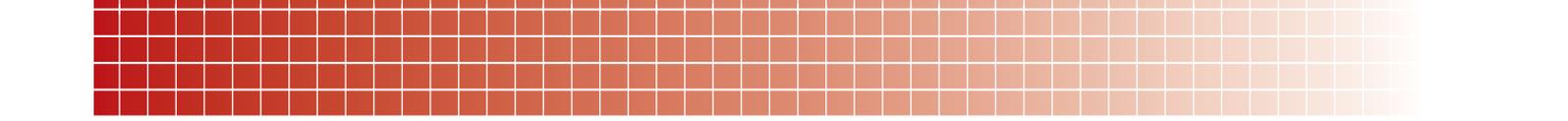


7.3.10 Employment Equity Plans

It is imperative that all Departments have the approved EE plans in place and those that do not comply with this are penalised by the Department of Labour.

Chapter Eight

CONCLUSION



It is trusted that the findings and recommendations of this report will assist departments to put in place mechanisms and interventions to address the shortcomings in the recruitment and retention of persons with disabilities. It is evident from this study that organisational cultures need to be revisited and changes made to address the manner in which we work in order to reshape policies and programmes to eliminate those attitudes and behaviors that allow for disability inequalities to be perpetuated. Such a change in attitude should view disabled persons as equally economically active as any other person thus leading to inclusiveness rather than marginalisation.

Through this report, the PSC would like to believe that it has finally put to rest the notion that disability equity is only about setting and achieving numeric targets. There is much to be done to ensure disability equity in the Public Service. Putting policies and processes in place is but one strategy that needs to be strengthened. A change of attitudes and behavior will create the commitment to put in operation such policies and processes in practice.

BIBLIOGRAPHY

ACTS:

Republic of South Africa. The Constitution of the Republic of South Africa, Act no 108 of 1996.
Republic of South Africa. White Paper on Affirmative Action, 1998.
Republic of South Africa. Public Service Commission Act, No. 43 of 1997
Republic of South Africa, The Employment Equity Act, No 55 of 1998.

POLICY FRAMEWORKS:

Republic of South Africa. The White Paper on Transformation of the Public Service, 1995.
Republic of South Africa. White Paper on Affirmative Action, 1998
Republic of South Africa. White Paper on an Integrated National Disability Strategy, 1997.
Republic of South Africa. Department of Public Service and Administration, JobAccess Strategic Framework, 2007.
Republic of South Africa. The White Paper on a National Integrated Disability Strategy, 1997.
Republic of South Africa, Employment Equity Act, No 55 of 1998 – Code of Good Practice on the Employment of Persons with Disabilities.
Republic of South Africa, Department of Public Service and Administration, Handbook on Reasonable Accommodation for PwDs in the Public Service, 2007
Republic of South Africa. The Public Service Regulations, 2001.

REPORTS:

Republic of South Africa. Public Service Commission, State of Representativeness in the Public Service, 2000.
Republic of South Africa. Public Service Commission, Disability Equity in the South African Public Service, 2002.
Republic of South Africa. Public Service Commission, Audit on Affirmative Action in the Public Service, 2006.
Republic of South Africa. Gauteng Department of Agriculture, Conservation and Environment Environmental Assessment for Disability Accessibility, 2006.
Republic of South Africa. Statistics South Africa, Census 2001.
Republic of South Africa. Situation analysis of disability integration in 18 national Government departments, Office on the Status of Disabled Persons in the Office of the Presidency, 2000.

INTERNATIONAL CONVENTIONS:

The United Nations Convention on the Rights of Persons with Disabilities, 2006.

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