

MODULE 2: BASIC LEGAL REQUIREMENTS RELATING TO DISABLED PEOPLE

IMMEDIATE CAUSES OF INTELLECTUAL DISABILITY

- Intellectual disability can be caused by a range of circumstances on an individual; it can also result in physical disability. People with intellectual disability do not always understand things happening around them.
- There are different medical conditions affecting a pregnant mother; to the violent trauma of an accident or abuse may be a primary cause.

COMMON CAUSES OF INTELLECTUAL DISABILITY

- Brain injury due to lack of oxygen at birth.
- Brain injury during or after birth.
- Metabolic; nutritional growth disorders.
- Chromosome abnormalities.
- Extreme prematurity.
- Poor diet or inadequate health care facilities.
- Drug misuse during pregnancy.
- Traumatic injury as a result of an accident or abuse.

IMMEDIATE CAUSES OF PHYSICAL DISABILITY

- In most cases intellectual disabilities are accompanied by physical disability; as the brain part affected may be the one responsible for motor activities.
- Some physical disabilities are not accompanied by intellectual disability because they are developed through an accident or various types of birth defects or abnormalities:

- Brain injury due to lack of oxygen at birth.
- Brain injury during or after birth.
- Metabolic; nutritional growth disorders.
- Chromosome abnormalities.
- Extreme prematurity.
- Poor diet or inadequate health care facilities.
- Drug misuse during pregnancy.
- Traumatic injury as a result of an accident or abuse.

WORKPLACE MYTHS

- In most companies' employers still exclude people who are physically and intellectually disabled as they tend to fall under unfounded myths; fears and stereotyping.
- Most employers still believe that greater absenteeism rate is from disabled employees than those with non-disabilities. As a result, they assume that most disabled employees result in higher insurance rates and more frequent workmen's compensation.
- When employers decide whether or not to employ the disabled person; they should make sure they focus on whether or not the person can do the job and not on the person's disability.

VALUES IN THE WORKPLACE RELATING TO PEOPLE WITH DISABILITIES.

- Employers should reasonably accommodate the needs of people with disabilities. This means that employers should try their best to find ways to make it possible for people with disabilities to fulfil their duties within the workplace.
- Employers need to ensure that they treat all employees equally, with or without disabilities and they grant all employees with fair opportunities.
- Disabled people have different abilities that differs from people with no disabilities.
- In some cases, disability may not be immediately transparent/apparent; usually with cerebral palsy.

THE EMPLOYMENT EQUITY ACT 55 OF 1998

- The Employment Equity Act that was amended by cabinet on 12 October 1998, for the purpose of creating fairness in the workplace.
- The government introduced the Employment Equity Act to make sure that people who are disabled are protected from discrimination at work. The Act also protects other groups who were discriminated against in the past.
- The selected groups are the following:
 - Africans
 - Coloureds
 - Asians
 - Women
 - Disabled
- The Act applies to the following employer groups:
 - Organisations that employ more than 50 individuals
 - Organisations that employ less than 50 individuals
 - An employer appointed by a collective agreement

- Organs of the state excluding the National Defence Force; the National Intelligence Agency and the South African Secret Service

REQUIREMENTS OF THE EEA

- The South African Employment Equity Bill seek to create a diverse workforce. The Bill requires that employment practices and policies do not unjustly discriminate against employees and job applicants on the basis of gender; race; age; pregnancy; language; marital status etc.
- Employers should ensure that people with disabilities have access to the job advertisements. There should also be clear indications as to how the selection of candidates is processed.
- According to the EEA psychometric testing of an employee is not allowed unless the test has been validated and applicable to all applicants or employees regardless of their gender; race; disability or family responsibility.

POSSIBLE EMPLOYMENT OPPORTUNITIES

- Disabled individuals have various abilities and have successfully performed jobs and they can be dependable workers.
- Frequently filled positions are:
 - Animal caretakers
 - Laundry workers
 - Building maintenance workers
 - Library assistants
 - Mail or data entry clerks
 - Store assistants
 - Sales personnel
 - Hospital attendants
 - Housekeepers
 - Cooks

COACHING AND TRAINING

- ❑ These programme is part of the skills development of employees and the disabled is no different. When a supervisor/manager is training disabled employees he/she should keep the following in mind:
 - Give instructions at a slower pace
 - Give the employee additional time to finish the training
 - Break job tasks into sequential steps required to perform the task
 - Use charts; pictures; or colour matching
 - Provide additional training if necessary
 - Use detailed schedules for completing tasks
 - Provide recorded reminders of the steps in a task
- ❑ Employers should assign mentors to assist disabled employees within the workplace and as time goes by they might even have to recruit a specialist to see the employee through their career depending on situations like a promotion.

A job coach should fulfil the following duties:

- ❑ Assist the employee to perform their day to day duties in order to reach job stabilisation. The job coach can reduce the amount of time they spend helping the employee after they notice that the employee is able to perform their day to day duties with little help from the coach.
- ❑ The coach should provide training; assessment and support to employees with intellectual disabilities.
- ❑ Assist the employee in developing a healthy working relationship between management and other colleagues through encouraging open communication and appropriate social interaction.

- Assist the parties in determining what reasonable accommodation is needed.

MODIFIED WORK SCHEDULES

- Every employee may have an issue that may need to be attended to during their normal working hours. And in most instances the employer makes a provision for this type of an employee.
- The employer must be made aware of such cases in time in order for them to assist the employee in every way possible and the employee must not in any manner take advantage of the situation.
- The same consideration or exception must be made for employees with disabilities.

NB: REFER TO PAGE 98 AND 99, STUDY THE EXTRACT AND COMPLETE LEARNING ACTIVITY 2.4 ON PAGE 97