

POLICY: GUIDELINES FOR PEOPLE WITH DISABILITIES

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| Item B-H (6-2005) MC 21/04/2005 | POLICY GUIDELINES FOR PEOPLE WITH DISABILITIES |
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17/1/P

RESOLVED:

1. **That** the contents of the report on Policy Guidelines for People with Disabilities **BE NOTED**.
2. **That** the policy guidelines in respect of People with Disabilities, with amendments to its introduction, **BE APPROVED** as the Ekurhuleni Metropolitan Municipality's Policy, subject to the deletion of section 12.2, the first bullet of section 13.1 and the third bullet of section 13.3.
3. **That** a further report on the Programme of Action for the implementation of the policy in 2 *supra* **BE SUBMITTED**.

THE EKURHULENI METROPOLITAN COUNCIL

DISABILITY POLICY GUIDELINES

1. INTRODUCTION

The fact that people with Disabilities are marginalized and discriminated against has created an environment with a range of factors such as physical, and psychological contributing to the high prevalence of disability.¹ It is exacerbated by other obstacles that prevented people with disabilities from taking part in family life and the community on the same footing as every one else. It is a diverse phenomenon with a variety of needs experienced not only by people with disabilities but also their families and broader community

Majority of people with disabilities have been excluded from the main stream of society and prevented from accessing fundamental social, political and economic rights. To address this anomaly, the Ekurhuleni Municipality together with people with disabilities must take full responsibility.

The Ekurhuleni Metropolitan Council's approach to disability is informed and guided by the Integrated National Disability Strategy [INDS], Gauteng Provincial Government Disability Policy Framework and other relevant legislation and regulations.

The approach taken seeks to operationalise the objectives of existing legislative and policy frameworks and builds on the other programmes that are initiated by the Metropolitan Council and the Disability Forum.

2. VISION

The Smart, Creative and Developmental City.

3. MISSION

To sustain non-discriminatory attitudes and to ensure inclusivity is fostered throughout the Metropolitan Council, Community, and Business sector in line with the 'Batho Pele' principles.

4. PURPOSE

The purpose of this policy is to set out guidelines for the Ekurhuleni Metropolitan Municipality to ensure that:

4.1. The interests and needs of people with disabilities are taken into account by provision of accessible and equitable services.

4.2. People with disabilities are protected and empowered to enable them to live an independent sustainable life.

4.3. Through education and awareness campaigns, myths and wrong perceptions about people with disabilities are curbed.

5. SCOPE OF APPLICATION

¹ Amended in terms of resolution 2 of Item B-H (6-2005) of the Mayoral Committee Meeting of 21 April 2005 read with the Comments under Municipal Infrastructure in the report.

The policy guidelines shall be applicable to all the regions in the Ekurhuleni Metropolitan Municipality. All Non-Governmental, Community Based Organizations, Religious Based Organisations and families dealing directly with people with disabilities shall be co-ordinated, as to ensure coherence and comprehensiveness in the delivery of services.

6. PRINCIPLES

The following principles should underpin the Council's approach to the management of disability in Ekurhuleni:

6.1. We are committed to respect human dignity of people with disabilities

6.2. To ensure that people with disabilities are afforded accessible transport

6.3. We are committed to ensure access to rehabilitation, medication and assistive devices.

6.4. Committed to ensure that there is networking amongst all departments, directorates and the disability forums

6.5. To ensure the provision of widest possible economic and social opportunities to people with disabilities.

6.6. Committed to ensure access to education and training in the mainstream.

6.7. Committed to the provision of resources needed to realize the highest potential.

6.8. Committed to the eradication of discrimination in communities and place of employment.

6.9. Committed to barrier-free public and private sector buildings.

6.10. Committed to fighting poverty and HIV/Aids pan

7. LEGAL FRAMEWORK

7.1. The South African Constitution

Chapter 2 of the 1996 constitution guarantees fundamental rights to all citizens. It includes section 9, the equality clause and the right to freedom from discrimination based on a number of social criteria.

Discrimination based on disability is especially mentioned and disabled people are thus guaranteed the right to be treated equally and to enjoy the same rights as all other citizens. Provision is also made of affirmative action.

7.2. The Reconstruction and Development Programme

The Reconstruction and Development Programme commit itself to the following:

- The Government will design in consultation with people with disabilities a comprehensive programme for the disabled, which will enhance their engagement in society and remove discriminatory practices against them.

7.3. White Paper on an Integrated National Disability Strategy [1997]-

Emphasizes the shift from viewing disabled people from the medical perspective to the human rights and developmental approach.

7.4. Code of good practice on employment of people with disabilities (2002)

7.5. Employment Equity Act (Act 55 of 1998).

7.6. White paper for affirmative action (1998)

7.7. Labour Relations Act (Act 66 of 1995).

7.7. Promotion of Equality and Prevention of Unfair Discrimination Act. (2000)

7.8. Skills Development Act. (1998)

7.8. White Paper on the Transformation of the Public Service (1994)

7.9. South African Schools Act

7.10. White Paper 6 on Special Needs Education (2001)

7.9. Development Facilitation Act (Land and Integrated Development Plans).

7.11. Building Standards Act (1977)

7.10. National Building Regulations and SABS 0400 Code of Practice.

7.11. National Land Transport Transition Act as well as the Moving SA: A Transport Strategy for 2020 and Model Integration in Gauteng policy documents

7.12. White Paper on Social Welfare.

7.13. Gauteng Provincial Government Disability Policy Framework (2003)

8 DEFINITION, TERMINOLOGY, CATEGORIES AND SITUATIONAL ANALYSIS OF DISABILITY

8.1 Definition of People With Disabilities

"People with Disabilities" (PWD) refer to People who have physical and or mental impairment, long-term or recurring, which substantially limits their prospects of entry into, or advancement in employment, health care, leisure and education.

A disability is a long-term or permanent impairment or recurring condition, which needs to be reasonably accommodated in the workplace, in family life and the community and calls for the elimination of barriers for optimal functioning. The impairment may be of physical, mental, sensory, learning or psychiatric nature, which is medically certified.

8.2. Disability Terminology

8.2.1. The words and terms used in this policy are defined in appendix A below.

8.2.2. Impairment

In order to qualify for protection as a person with a disability, all the criteria of the definition must be satisfied. This refers to: **"long term", "recurring impairment", "physical or mental impairment" and "substantially limit"**.

8.2.3. Long-term impairment

The impairment has lasted or is likely to persist for at least 12 months. A short term or temporary illness or injury is not an impairment which gives rise to a disability.

8.2.4. Recurring impairment

Is likely to recur and be substantially limiting regardless of whether the effect on a person fluctuates. Progressive conditions are deemed a disability once impairment starts to be substantially limiting. Progressive or recurring conditions, which have no overt symptoms or do not substantially limit individuals, are not considered disabilities.

8.2.5. Physical impairment

This refers to the partial or total loss of a bodily function or part of the body. It includes sensory impairments such as being deaf, hearing or visually impaired and any combination of physical or mental impairments.

8.2.6. Mental impairment

This refers to clinically recognized conditions or illnesses that affects a person's thought processes, judgment or emotion.

9. CATEGORIES OF DISABILITY

9.1. Physical Disability

Refers to damage to muscles, nerves, skin or bones that leads to difficulties in moving around and performing activities in daily living.

Physical disabilities include:

- **Paraplegia:** a substantial loss of function in the lower part of the body.
- **Quadriplegia:** substantial loss of function in all four limbs.
- **Hemiplegia:** substantial loss of function on one side of the body, often due to a stroke
- **Cerebral palsy:** damage to the brain that causes muscular inco-ordination.
- **Post-polio paralysis:** weakness in some muscles, and underdevelopment of some limbs.

9.2. Visual Disability

Refers to the loss of sight that may be total or partial. Visual disabilities include:

- **Blind:** refers to total loss of sight. A person might experience difficulty in moving around and knowing where things are.
- **Low vision:** a limited range of sight and focus that can easily be corrected with spectacles.

9.3. Hearing Disability

Refers to hearing loss that may be mild, severe or total. Hearing disabilities include:

- **Deaf:** hearing loss that usually results in difficulties in learning a spoken language.

9.4. Mental Disability

Mental disabilities include cognitive, psychiatric and learning disabilities as well as physical head trauma.

- **Intellectual disability:** people with intellectual disabilities find it difficult to learn and retain new information, and often struggle to adapt to new situations.
- **Psychiatric disability:** people living with a psychiatric or mental illness often experience difficulties in perceiving or interpreting reality and coping with some aspects of daily life.

9.5. Multiple Disabilities

Multiple disabilities means having more than two of the disabilities, for example - people who have a hearing and visual disability.

9.6. Epilepsy

Epilepsy is a recurrence of seizures, and a seizure is an episode caused by a sudden disturbance in the brain. Epilepsy is a chronic condition which can be controlled with medication but if not can become a disability.

9.7. Albinism

Albinism is not a disability per-se, is an inherited condition where a person has absence of pigmentation of the skin and hair and is partially sighted. Most people with albinism identify with other people with disabilities due to the nature of discrimination they experience.

10. SITUATIONAL ANALYSIS

People with disabilities in Ekurhuleni are continually faced with different barriers that prevent them from enjoying their full civil, political, economic, social, cultural and developmental rights.

This is due to the lack of policies that ensure the protection of human rights and empowerment of people with disabilities by the Metropolitan Council, when implementing their programmes and projects with regard to people with disabilities.

10.1. Challenges

The key issues that face people with disabilities in-order for them to achieve equality, inclusion and empowerment are the following:

•**Employment:** there is serious lack of employment opportunities for people with disabilities and high level of discrimination

•**Transport:** there is lack of accessible public transport for physical and visual and hearing people with disability and hence make it extremely difficult to travel to places of employment and health facilities.

•**Housing:** houses are often not accessible to people with disabilities which means that they have to be institutionalized.

•**Accessibility:** public and private buildings are not designed to cater for the needs of people with disabilities.

Public schools: are often not designed in ways which can be accessible for people with disabilities

Children whose parents have some form of a disability are often excluded from education opportunities due to financial constraints

•**Social security:** there is still a problem in people accessing disability grants

•**Assistive devices:** inadequately access to other devices, e.g. spectacles, white canes, Braille machines, etc

•**Advocacy:** there is lack of awareness programmes to curb attitude against people with disabilities and enhance the concept of self representative

10.2. Arising from the situational analysis, the Ekurhuleni Metropolitan Municipality recognizes and commit itself to the following:

•The International Day of people with disabilities that was proclaimed in 1981 by the United Nations.

•Disabled people have rights and equal opportunities to participate fully in the country's economy and general life like everyone else.

•Society has a duty to adapt its standards to the specific needs of people with disabilities in order to ensure that they can lead independent lives.

•Creation of awareness in our communities about disabilities is needed.

•Disability is not regarded as a health and welfare issue but should be seen from a human rights and development perspective.

10.3. IMPLEMENTATION

In the implementation of this policy, the Ekurhuleni Metropolitan Municipality with its stakeholders must ensure that:

•The interest and needs of people with disabilities are promoted through the provision of services that will enhance self-independence.

•There is genuine active participation by people with disabilities in the community and organisations of their own.

•That all Ekurhuleni Metropolitan Municipality buildings and facilities are accessible to people with disabilities.

•The Ekurhuleni Metropolitan Municipality policies and programmes are developed and operationalised with the full participation of people with disabilities.

11. STRATEGIC AREAS / PRIORITIES

Arising from the situation analysis and challenges, the Metropolitan Council will give priority to the following key interventions:

11.1.Preventable measures both genetic and medical by providing affordable and accessible health care.

11.2.Forge partnership with the Education Department to provide educational opportunities and with Department of Sports for recreational programmes relevant to the development of people with disabilities.

11.3.Reinforce home care services and assisting by accessing resources in the community and state grants.

11.4.Providing training services and allowing people with disabilities to obtain employment by implementing the employment equity principles. With regard to the most severe people with disabilities, to ensure that they are employed in co-operatives and sheltered workshops.

11.5.Link people with disabilities with all services within the Ekurhuleni Metropolitan Municipality Departments.

11.6.Support and improve awareness of disability through workshops and awareness campaigns at ward level.

11.7.Ensure that a comprehensive policy is fully and coherently applied as proposed in the Integrated National Disability Strategy.

11.8.Set up a planning, implementation, evaluation and monitoring system to obtain statistics, information on disability and assess impact.

12. PROGRAMME CONTENT

The Ekurhuleni Metropolitan Council and the Disability forum will establish and support formation of the Forums at Metro, Regional and Sub-regional level and encourage participation of organizations.

12.1.Co-ordinate services in existing NGO's and CBO's of people with disabilities at Ward level.

12.2.***(Deleted in terms of resolution 2 of Item B-H(6-2005) Mayoral Committee Meeting of 21 April 2005).***

12.3.Promote, encourage and capacitate the organizations to be part of poverty alleviation programmes.

12.4.Support initiatives by NGO's/CBO's and link them to relevant resources.

12.5.The severely disabled to be encouraged to be part of sheltered employment.

12.6.Promote and encourage participation in recreational activities.

12.7.Promote integrated approach with other departments e.g. Sports

Recreation, Arts and Culture to establish recreational facilities that are user friendly to people with disabilities.

12.8.Promote and facilitate awareness campaigns on human rights i.e. National and International events.

12.9.Promote skills development and occupational trainings.

12.10.Encourage participation in the Integrated Development Plans (IDP) meetings by people with disabilities.

12.11.Establish a link with the department of Social Services to ensure smooth and fair grant approvals.

13. INSTITUTIONAL ARRANGEMENTS

To ensure that disability issues are raised and taken seriously by the Metropolitan Council and that the policy is implemented, Council need to have the following structures in place for accountability:

13.1. Executive Mayor's office

•(Deleted in terms of resolution 2 of Item B-H (6-2005) Mayoral Committee Meeting of 21 April 2005).

- To develop progress reports on disability in the metropolitan area
- To monitor and evaluate programmes implemented by departments and directorates
- Network and liaise with the disability forum

13.2. Interdepartmental Task Team

The Ekurhuleni Interdepartmental Task Team to:

- Ensure that disability is on the agenda of departmental meetings
- Develop a programme of action on disability to be implemented by all departments
- Ensure that the chairperson of the forum attends the task team meetings [optional] and ensures that representatives from the forum also attends departmental meetings

13.3. Disability forum

The Ekurhuleni Metropolitan Forum of people with disabilities with other stakeholders shall:

- Develop mechanisms to monitor progress and impact of disability issues
- Ensure participation by people with disabilities in decision making through a forum and other structures.

•(Deleted in terms of resolution 2 of Item B-H (6-2005) Mayoral

Committee Meeting of 21 April 2005).

- Visit the NGO's and CBO's to establish and promote optimal utilization of resources and give assistance where possible.
- Develop a progress report with recommendations every six-month and submit to Council.

Appendix A**1. DISABILITY RELATED DEFINITIONS**

The words and terms used in this policy are defined below:

1.1. Disability Discrimination

- The systematic societal and individual discrimination against people with or perceived to have, disabilities that hinder or preclude their ability to conduct their activities, undermines their sense of human dignity and self-worth and prevents their full integration into the greater society.
- The defining, perceiving of or limiting of people with disabilities by their disability rather than examining societal and individual biases and stereotypes that continue to disadvantage and discriminate against people with disabilities.
- Contravening the South African Bureau of Standards Code of Practice or Regulations that govern environmental accessibility.
- Disqualifying a suitably qualified person from employment because of her/his disability.

1.2. Reasonable Accommodation

Refers to the modification or adjustment to a job or working environment that will enable persons with disabilities to have access to participate or advance in employment on the same levels with other people.

1.3. Rehabilitation

Refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric and social functional levels, thus providing them with the tools and training to change their lives towards higher levels of independence.

1.4. Assistive Devices

These are devices and ergonomic solutions capable of reducing the limitations and difficulties experienced by people with disabilities.

1.5. Barrier Free Environment

An environment, which is accessible to all people and services are equally available to all, including people with disabilities.

1.6. NGO

Refers to a non-profit making organization, which receive part subsidy from government in implementing their programmes.

1.7. CBO

Refers to a non-profit making organization, which is community based, no subsidy from the government - implement programmes in the community.

1.8. Independence

Is a state of being, whereby available and adequate support services, assistive devices and personal assistance to people with disabilities at all levels. It enables people with disabilities to exercise choice, bear responsibility and participate fully in society.