



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 7047

Regulasiekoerant

Vol. 430

Pretoria, 19 April 2001

No. 22209



AIDS HELPLINE: 0800-123-22 Prevention is the cure

CONTENTS • INHOUD

No.	Page No. Gazette No.
-----	---------------------------------

GOVERNMENT NOTICES

Labour, Department of

Government Notices

R. 335 Employment Equity Act (55/1998): Draft Code of Good Practice: Key Aspects of Disability in the Workplace	3	22209
R. 336 do.: do.: do	5	22209

GOVERNMENT NOTICES

DEPARTMENT OF LABOUR


No. R. 335

19 April 2001

EMPLOYMENT EQUITY ACT, 1998 (Act No. 55 of 1998)

Draft Code of Good Practice: Key Aspects of Disability in the Workplace

1. The Minister of Labour hereby publishes a Draft Code of Good Practice on the Key Aspects of Disability in the Workplace for public comment.
2. This Code is issued by the Minister of Labour in terms of Section 54 of the Employment Equity Act, 1998 on the advice of the Commission for Employment Equity (CEE).
3. Submission of proposals:
 - (a) All interested parties are invited to submit written comments on the draft policy proposals.
 - (b) Such comments should be addressed to Employment Equity Registry, Department of Labour, Private Bag X117, Pretoria, 0001, or faxed to (012) 3094737 or e-mailed to pertunia.sele@labour.gov.za.
 - (c) Comments should reach the Department of Labour not later than 60 days after publication of the draft code.
 - (d) The name, telephone number or fax number and address of a person who may be contacted with regard to the comments should also be stated clearly.
4. The comments will be considered by the Commission for Employment Equity (CEE) in drafting the final code.



MMS MDLADLANA (MP)
MINISTER OF LABOUR

FOREWORD

Widespread ignorance, fear and stereotypes cause people with disabilities to be unfairly discriminated against in society and in employment. As a result, people with disabilities experience high unemployment levels and, in the workplace, often remain in low status jobs and earn lower than average remuneration.

Unfair disability discrimination is perpetuated in many ways. There are many unfounded assumptions about the abilities and performance of job applicants and employees with disabilities. Employers set criteria for selection that exclude disabled people. Workplaces are inaccessible and training is inappropriate for people with disabilities or not available at all.

Employees who become disabled are often dismissed for poor performance or incapacity or they resign unnecessarily. They are often encouraged or forced to apply for disability benefits and they tend to retire earlier than other employees do, although if their needs are reasonably accommodated, they can continue as productive employees.

However people with disabilities can demonstrate their ability and contribute equally alongside fellow workers if enterprises remove unfair discriminatory barriers to their employment and make reasonable accommodation for their needs.

People with disabilities can contribute their skills and abilities to the economy and society. The cost of claims on public social security and occupational benefit schemes can be reduced if employees with disabilities are retained at work.

It is for these reasons that I am pleased to present to you this draft Code of Good Practice. The Commission for Employment Equity which is responsible for advising me on Codes of Good Practice has recommended that this draft Code of Good Practice on Key Aspects of Disability in the Workplace be published for public comment.

The Commission for Employment Equity will consider the comments and then advise me on the contents of a final Code of Good Practice for promulgation.

I take this opportunity to express my hope that the public will take advantage of participating in the important task of extending employment equity to people with disabilities.

M M S MDLADLANA (MP)
MINISTER OF LABOUR

No. R. 336

19 April 2001

1. The Minister of Labour hereby publishes a Draft Code of Good Practice on the Key Aspects of Disability in the Workplace for public comment.
2. This Code is issued by the Minister of Labour in terms of Section 54 of the Employment Equity Act, 1998 on the advice of the Commission for Employment Equity (CEE).
3. Submission of proposals:
 - (a) All interested parties are invited to submit written comments on the draft policy proposals.
 - (b) Such comments should be addressed to Employment Equity Registry, Department of Labour, Private Bag X117, Pretoria, 0001, or faxed to (012) 3094737 or e-mailed to frans.moatshe@labour.gov.za.
 - (c) Comments should reach the Department of Labour not later than 60 days after publication of the draft code.
 - (d) The name, telephone number or fax number and address of a person who may be contacted with regard to the comments should also be stated clearly.
4. The comments will be considered by the Commission for Employment Equity (CEE) in drafting the final code.

MMS MDLADLANA (MP)
MINISTER OF LABOUR

EMPLOYMENT EQUITY ACT NO 55, OF 1998
CODE OF GOOD PRACTICE ON KEY ASPECTS OF
DISABILITY IN THE WORKPLACE
DRAFT FOR PUBLIC COMMENTS

1. AIMS

- 1.1. The **Employment Equity Act, No. 55 of 1998** protects people with disabilities against unfair discrimination and entitles them to affirmative action measures.
- 1.2. The Code is a **guide** for employers and employees on key aspects of promoting equal opportunities and fair treatment for people with disabilities as required by the Employment Equity Act (the Act).
- 1.3. The Code is intended to **help** employers and employees understand their rights and obligations, promote certainty and reduce disputes to ensure that people with disabilities can enjoy and exercise their rights at work.

2. STRUCTURE

The Code cover the following aspects:

- (i) The definition of disability;
- (ii) Reasonable accommodation for people with disabilities;
- (iii) Avoiding unfair discrimination and achieving employment equity during the employment cycle (from recruitment to termination);
- (iv) Confidentiality and disclosure;
- (v) Employment benefits; and
- (vi) Employment equity planning.

3. APPLICATION

- 3.1. **The Code is not** an authoritative summary of the law, nor does it create additional rights and obligations. Failure to observe the Code does not, by itself, render a person liable in any proceedings. Nevertheless when the courts and tribunals interpret and apply the Employment Equity Act, they must consider it.
- 3.2. The Code should be **read in conjunction** with other Codes of Good Practice that may be issued by the Minister of Labour.
- 3.3. The Code is intentionally **general** because every person and situation is unique and departures from the standards in this code may be justified in appropriate circumstances.

- 3.4. Employers, employees and their organisations should use the Code to develop, implement and refine disability equity policies and programmes to suit the **needs of their own workplaces**.

4. LEGAL FRAMEWORK

The Code is issued in terms of Section 54(1)(a) of the **Employment Equity Act**, No. 55 of 1998 and is based on the **Constitutional principle** that no one may unfairly discriminate against a person on the grounds of disability.

5. DEFINITION OF PEOPLE WITH DISABILITIES¹

5.1 Defining persons with disabilities under the Act

The scope of protection for people with disabilities in employment focuses on the **effect of a disability on the person in relation to the working environment**, and not on the diagnosis of the impairment.

Only people who satisfy all the criteria in the definition:

- (i) long-term or recurring;
 - (ii) having a physical or mental impairment;
 - (iii) which substantially limits,
- are considered as persons with disabilities.

5.1.1 Long-term or recurring

- (i) **Long-term** means the impairment has lasted or is likely to persist for at least twelve months. A short-term or temporary illness or injury is not an impairment which gives rise to a disability.
- (ii) A **recurring impairment** is one that is likely to happen again and to be substantially limiting (see below). It includes a constant underlying condition, even if its effects on a person fluctuate.
- (iii) **Progressive conditions** are those that are likely to develop or change or recur. People living with progressive conditions or illnesses are considered as people with disabilities once the impairment starts to be substantially limiting. Progressive or recurring conditions which have no overt symptoms or which do not substantially limit a person are not disabilities.

¹Section 1 of the Act defines people with disabilities as "people who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in, employment".

5.1.2 Impairment

- (i) An impairment may be physical or mental.
- (ii) '**Physical**' impairment means a partial or total loss of a bodily function or part of the body. It includes sensory impairments such as being deaf, hearing impaired, or visually impaired and any combination of physical or mental impairments.
- (iii) '**Mental**' impairment means a clinically recognised condition or illness that affects a person's thought processes, judgment or emotions.

5.1.3 Substantially limiting

- (i) An impairment is substantially limiting if, in the absence of reasonable accommodation by the employer, a person would be either **totally unable** to do a job or would be **significantly limited** in doing the job.
- (ii) Some impairments are so easily controlled, corrected or lessened, that they have **no limiting effects**. For example, a person who wears spectacles or contact lenses does not have a disability unless even with spectacles or contact lenses the person's vision is substantially impaired.
- (iii) An assessment whether the effects of impairment are substantially limiting must consider if medical treatment or other devices would **control or correct** the impairment so that its adverse effects are prevented or removed.
- (iv) For reasons of **public policy** certain conditions or impairments may not be considered disabilities. These include but are not limited to:
 - sexual behavior disorders that are against public policy;
 - self-imposed body adornments such as tattoos and body piercing;
 - compulsive gambling, tendency to steal or light fires;
 - disorders that affect a person's mental or physical state if they are caused by current use of illegal drugs or alcohol, unless the affected person is participating in a recognised programme of treatment;
 - normal deviations in height, weight and strength; and
 - conventional physical and mental characteristics and common personality traits.

6. REASONABLE ACCOMMODATION² FOR PEOPLE WITH DISABILITIES

- 6.1. Employers should reasonably accommodate the needs of people with disabilities. The **aim of the accommodation** is to reduce the impact of the impairment of the person's capacity to fulfil the essential functions of a job.
- 6.2. Employers may adopt the most **cost-effective means** that are consistent with effectively removing the barrier to a person being able to perform the job, and to enjoy equal access to the benefits and opportunities of employment.
- 6.3. Reasonable accommodation **applies to** applicants and employees with disabilities and may be required:
- (i) during the recruitment and selection processes;
 - (ii) in the working environment;
 - (iii) in the way work is usually done and evaluated and rewarded; and
 - (iv) in the benefits and privileges of employment.
- 6.4. The obligation to make reasonable accommodation may arise when an applicant or employee **voluntarily discloses** a disability related accommodation need or when such a need is **reasonably self-evident** to the employer.
- 6.5. Employers must also accommodate employees when work or the **work environment changes or impairment varies** which affects the employee's ability to perform the essential functions of the job.
- 6.6. The employer **should consult** the employee and, where practicable, technical experts to establish appropriate mechanisms to accommodate the employee.
- 6.7. The **particular accommodation** will depend on the individual, the impairment and its effect on the person, as well as on the job and the working environment.
- 6.8. Reasonable accommodation may be **temporary or permanent**, depending on the nature and extent of the disability.
- 6.9. **Examples** of reasonable accommodation include:
- (i) adapting existing facilities to make them accessible;
 - (ii) adapting existing equipment or acquiring new equipment including computer hardware and software;
 - (iii) re-organising work stations;
 - (iv) changing training and assessment materials and systems;
 - (v) restructuring jobs so that non-essential functions are re-assigned;
 - (vi) adjusting working time and leave;
 - (vii) providing readers, sign language interpreters, and
 - (viii) providing specialised supervision, training and support.

² Section 1 of the Act defines reasonable accommodation as a "modification or adjustment to a job or to the working environment that will enable a person from a designated group to have reasonable access to or participate or advance in employment".

- 6.10. An employer may evaluate **work performance** against the same standards as other employees but the nature of the disability may require an employer to adapt the way performance is measured.
- 6.11. The employer need not accommodate a qualified applicant or an employee with a disability if this would impose an **unjustifiable hardship** on the business of the employer.
- 6.12. Unjustifiable hardship is action that requires **significant or considerable difficulty or expense** and that would substantially harm the viability of the enterprise. This involves considering the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the business.
- 6.13. An accommodation that imposes an unjustifiable hardship for one employer at a specific time may not be so for another or for the same employer at a different time.

7. RECRUITMENT AND SELECTION

7.1 Recruitment

- 7.1.1 When employers recruit they should:
- (i) identify the **inherent requirements** and **essential functions** of the vacant position;
 - (ii) **describe clearly** the necessary skills and capabilities for the job;
 - (iii) **set reasonable criteria** for selection, preferably in writing, for job applicants for vacant positions.
- 7.1.2. The **inherent requirements** of the job are the purposes for which the job exists. The **essential functions** and duties of the job are what are necessary to get the job done.
- 7.1.3. **Application forms** should focus on identifying an applicant's ability to perform the essential functions of the job.
- 7.1.4. **Advertisements** should be accessible to persons with disabilities and, where practicable, circulated to organisations that represent the interests of people with disabilities.
- 7.1.5. Advertisements or notices should include **sufficient detail** about the essential functions and duties of the job so that potential applicants with disabilities can make an informed decision if they meet the inherent requirements of the job.

7.1.6. Employers should not include functions that are not essential to performing the inherent requirements of the job because selection based on non-essential functions may exclude people with disabilities unfairly.

7.1.7. On request, and if reasonably practicable, notices and advertisements should be provided in a **format appropriate** to persons with disabilities, such as large print, Braille, or audiotape.

7.2 Selection

7.2.1. Employers should apply the same criteria to test the ability of people with disabilities as are applied to other applicants, although it may be necessary to accommodate applicants who have disabilities.

7.2.2. The purpose of the selection process is to assess whether or not an applicant is **suitably qualified**.³ This may require a two-stage process if an applicant has a disability:

- (i) Determining whether an applicant is suitably qualified;
- (ii) Determining whether a 'suitably qualified applicant' needs any accommodation to be able to perform the inherent requirements or essential functions of the job.

7.2.3. When assessing if an applicant is suitably qualified an employer may not **request information** about actual or perceived disability from a previous employer or third party.

7.2.4. Employers should **monitor** their criteria for selection. If they tend to exclude people with disabilities, they should be reviewed to ensure that inappropriate barriers to persons with disabilities are removed.

7.3 Interviews

7.3.1. Selection interviews should be sensitive, **objective and unbiased**. Interviewers should avoid assumptions about people with disabilities.

³ The Employment Equity Act provides for 'suitably qualified person' in section 20(3):

- (3) For the purposes of this Act, a person may be suitably qualified for a job as a result of any one of, or any combination of that person's-
 - (a) formal qualifications;
 - (b) prior learning;
 - (c) relevant experience, or
 - (d) capacity to acquire, within a reasonable time, the ability to do the job.
- (4) When determining whether a person is suitably qualified for a job, an employer must-
 - (a) review all the factors listed in subsection (3); and
 - (b) determine whether that person has the ability to do the job in terms of any one of, or any combination of those factors.
- (5) In making a determination under subsection (4), an employer may not unfairly discriminate against a person solely on the grounds of that person's lack of relevant experience.

- 7.3.2. If an applicant has **disclosed a disability or has a self-evident disability**, the employer must focus on the applicant's qualifications for the work rather than any actual or presumed disability but may enquire and assess if the applicant would, but for the disability, be suitably qualified.
- 7.3.3. Interviewers should ask all applicants to indicate how they would **accomplish the inherent requirements** of the job and perform its essential functions and if accommodation is required.
- 7.3.4. If the employer **knows in advance** that an applicant has a disability the employer should be prepared to make reasonable accommodation during the interview.

7.3 Conditional job offers

- 7.4.1. If an applicant with a disability is suitably qualified, an employer may make a job offer **conditional on medical or functional testing** to determine an applicant's actual or potential ability to perform the essential functions of a specific job.
- 7.4.2. The testing must comply with the statutory requirements and be consistent with **measuring if the applicant is able to perform the essential functions** of the job, with or without reasonable accommodation.
- 7.4.3. An employer may test applicants with disabilities for a specific job and **not require all other applicants** to undergo testing.
- 7.4.4. If the testing shows that accommodation requirements would create **unjustifiable hardship**, or that there is an objective justification that relates to the inherent requirements of the job or to health and safety, the employer may withdraw the job offer.

7.5 Terms and conditions of employment

- 7.5.1. An employer may not employ people with disabilities on **less favorable** terms and conditions for reasons connected with the disability.

8. MEDICAL⁴ AND PSYCHOMETRIC TESTING⁵

8.1. Medical testing

- 8.1.1. Tests must be **relevant and appropriate** to the kind of work and the necessary fitness criteria for the job, the workplace and its hazards, and necessary to the employer's business.
- 8.1.2. Employers should establish that **tests do not unfairly exclude** and are not biased in how or when they are applied, assessed or interpreted.
- 8.1.3. Tests to establish the **health** of an applicant or employee should be distinguished from tests that assess the ability to perform essential job functions or duties.
- 8.1.4. **Health testing** should therefore only be carried out after an employer has established that the person is in fact competent to perform the essential job functions or duties and after a job offer has been made. The same applies to medical testing for admission to membership of an employee benefit scheme.
- 8.1.5. An employer who requires a person to undergo any medical, health screening or safety test must **bear the costs** of the test.

8.2. Testing after illness or injury

- 8.2.1. If an employee has been **ill or injured**⁶ and it appears that the employee is not able to perform the job, the employer may require the employee to agree to a functional determination of disability.
- 8.2.2. Such medical or other appropriate tests shall be to **assess** if the employee can safely perform the job or to identify reasonable accommodation for the employee.

⁴ Section 7 of the Act provides that :

- (1) *Medical testing of an employee is prohibited, unless-*
 - (a) *legislation permits or requires the testing; or*
 - (b) *it is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of a job.*
- (2) *Testing of an employee to determine that employee's HIV status is prohibited unless such testing is determined to be justifiable by the Labour Court in terms of section 50(4) of this Act.*

⁵ Section 8 of the Employment Equity Act provides:

Psychological testing and other similar assessments of an employee are prohibited unless the test or assessment being used-

- (a) *has been scientifically shown to be valid and reliable;*
- (b) *can be applied fairly toward employees; and*
- (c) *is not biased against any employee or group.*

⁶ See also sections 10 and 11 of the 'Code of Good Practice: Dismissal' published under section 203 of the Labour Relations Act 66 of 1995 for provisions relating to "Incapacity: Ill health and injury" and dismissal.

8.3. Health screening and safety

- 8.3.1. Employers are obliged to provide and maintain a **working environment**⁷ that is safe and without risk to the health of employees.⁸
- 8.3.2. An employer should not employ a person if the employer can demonstrate that a person with a disability would represent an actual **direct risk of substantial harm** to his or her own or other people's safety, which could not be eliminated or reduced by applicable reasonable accommodation.
- 8.3.3. An employer may or need not retain an employee with a **withdraw a conditional job offer** disability if objective assessment shows that even with reasonable accommodation, the work would expose the employee would expose others to substantial health risk and that there is no reasonable accommodation to mitigate that risk.

8.4 Pre-benefit medical examinations

- 8.4.1. Employees may be required to submit to medical examination or tests **before becoming members** of employee benefit schemes that are offered within the employment relationship.
- 8.4.2. The purpose of these examinations is to assess a **person's suitability** for membership of a benefit scheme and is not relevant to a person's capability to perform the inherent requirements of the job.
- 8.4.3. Therefore an employer may not refuse to recruit, train, promote or otherwise **prejudice** any person only because that person has been refused membership of a benefit scheme.

9. PLACEMENT

- 9.1. Placement involves the **orientation and initial training** a new employee.
- 9.2. New employees with disabilities must be **treated equally**, subject to reasonable accommodation, to employees who do not have disabilities.
- 9.3. Orientation and initial training should be **accessible**, responsive to and able to accommodate the needs of employees who have disabilities.

⁷ The extent of the duties is contained in the Occupational Health and Safety Act No 85 of 1993 and the Mine Health and Safety Act No 29 of 1996.

⁸ Section 8(1) of the Occupational Health and Safety Act No 85 of 1993.

10. TRAINING AND CAREER ADVANCEMENT

- 10.1. Employees with disabilities should be **consulted** so as to develop specific career advancement programmes responsive to their needs and circumstances.
- 10.2. Training, work organisation and recreational benefits should be **accessible** to employees with disabilities. Examples are training tools, materials, venues and processes, as well as canteen facilities, parking, crèche and social and sporting activities.
- 10.3. Systems and practices to **evaluate work performance** should clearly identify and fairly measure and reward performance of the inherent requirements or essential functions of the job. Work that falls outside the inherent requirements or essential functions of the job should not be evaluated.

11. RETAINING PEOPLE WITH DISABILITIES

- 11.1. Employees who become **disabled during employment** should, where practicable, be re-integrated into work⁹.
- 11.2. If an employee is, or becomes a person with a disability, the employer should keep in touch with the employee and where practicable, encourage **early return-to-work**. This may require vocational rehabilitation, transitional work programmes and where appropriate, temporary or permanent flexible working time.
- 11.3. If an employee is **frequently absent** from work for reasons of illness or injury, the employer may consult the employee to assess if the cause of the illness or injury is a disability that requires accommodation.
- 11.4. If practicable, employers should offer **alternative work**, reduced work or flexible work placement, so that employees are not compelled or encouraged to apply for benefits if they could, with reasonable accommodation, continue in employment.

13. TERMINATION OF EMPLOYMENT

- 13.1. If an employee becomes disabled, the employer should **consult** the employee to assess if the disability can be **reasonably accommodated**.

⁹ See also the provisions relating to 'Incapacity: Ill health and Injury' in section 10 of the Code of Good Practice: Dismissal (Schedule 8 of the Labour Relations Act 66 of 1995).

- 13.2. If not, the employer should **consult** the employee to explore the possibility of **alternative employment** appropriate to the employee's capacity.
- 13.3. If the employee is **unable** to be accommodated or there is not appropriate alternative employment, the employer may terminate the employment relationship.
- 13.4. When employees who have disabilities are dismissed for **operational requirements**, the employer should ensure that any selection criteria do not directly or indirectly unfairly discriminate against people with disabilities.
- 13.5. Employers who provide **disability benefits** should ensure that employees are fairly advised before they apply for the benefits available and before resigning from employment because of a medical condition.

14. CONFIDENTIALITY AND DISCLOSURE OF DISABILITY

14.1 Confidentiality

- 14.1.1. Employers, including health and medical services personnel, may only gather private information¹⁰ relating to employees¹¹ if it is necessary to achieve a **legitimate purpose**.
- 14.1.2. Employers must **protect the confidentiality** of the information that has been disclosed and must take care to keep records of private information relating to the disability of applicants and employees confidential and separate from general personnel records.
- 14.1.3. When an employer **no longer requires** the information it must be returned to the employee or be destroyed or rendered anonymous.
- 14.1.4. Employers may not disclose any information relating to a person's disability without the **written consent** of the person concerned.

14.2 Employee disclosure

- 14.2.1 People with disabilities are entitled to keep their disability status confidential. But if the employer is **not aware of the disability** or the need to be accommodated, the employer is not obliged to provide it.

¹⁰ See also section 59 of the Employment Equity Act relating to breach of confidentiality:

(1) Any person who discloses any confidential information acquired in the performance of a function in terms of this Act, commits an offence.

(2) Subsection (1) does not apply if the information -

(a) is disclosed to enable a person to perform a function in terms of this Act; or

(b) must be disclosed in terms of this Act, any other law or an order of court.

¹¹ See also section 201 of the Labour Relations Act No 66 of 1995

- 14.2.2. If the disability is **not self-evident** the employer may require the employee to disclose sufficient information to confirm the disability or the accommodation needs.
- 14.2.3. If the employer **disputes** that the employee is disabled or that the employee requires accommodation, the employer is entitled to request the employee to be tested to determine the employee's ability or disability, at the expense of the employer.
- 14.2.4. As information about disability may be **technical**, employers should ensure that a competent person interprets the information.
- 14.2.5. If an employer requires **further information** this must be relevant to a specific job and its essential functions.
- 14.2.6. If accommodating the employee **requires the co-operation of other employees**, it may be necessary to reveal the fact of a person's disability if it is not otherwise obvious, to some of the person's colleagues, particularly a supervisor or manager.
- 14.2.7. The employer may, after consulting the person with the disability, **advise relevant staff** that the employee requires accommodation, without disclosing the nature of the disability, unless this is required for the health or safety of the person with the disability or other persons.

15. EMPLOYEE BENEFITS¹²

- 15.1. An employer who provides or arranges for occupational insurance or other benefit plans directly or through a separate benefit scheme or fund, must ensure that they **do not unfairly discriminate**, either directly or indirectly against people with disabilities.
- 15.2. Employees with disabilities may not be **refused membership** of a benefit scheme only because they have a disability.
- 15.3. To increase job security for employees who have disabilities and to reduce the costs of benefit schemes, designated employers should investigate and, if practicable, offer **benefit schemes that reasonably accommodate** persons with disabilities. These include:
 - (i) vocational rehabilitation, training and temporary income replacement benefits for employees who, because of illness or injury, cannot work for an extended period, and

¹² Benefits in this Code refer to benefits such as fringe benefits, medical benefits, group disability assurance benefits, retirement schemes and life assurance schemes.

- (ii) financial compensation for employees who because of a disability are able to continue to work but at lower levels of pay than they enjoyed before becoming disabled.

16. EMPLOYMENT EQUITY PLANNING IN RESPECT OF PEOPLE WITH DISABILITIES¹³

- 16.1. The Code of Good Practice for the Preparation, Implementation and Monitoring of Employment Equity Plans provides guidelines to employers and employees. This Code spells out **additional measures** to ensure that people with disabilities who are suitably qualified for a job can enjoy equal opportunities and are equitably represented in the workforce.
- 16.2. When designated employers are **consulting** in terms of Section 16 of the Act, they should use the opportunity to heighten the awareness of their employees of the value and importance of recruiting and retaining employees who have disabilities.
- 16.3. When an employer facilitates the establishment of a **consultative forum** in terms of Section 16 (1) (a) and (b) of the Act, the employer should take specific steps to promote the representation of employees with different disabilities in the forum.
- 16.4. If people with disabilities are under-represented in all occupational levels and categories in the workplace, the employer could **seek guidance** from organisations that represent people with disabilities or relevant experts, for example in vocational rehabilitation and occupational therapy.
- 16.5. When designated employers are **compiling their workplace profile** in terms of Section 19 of the Act, employees with disabilities may choose to either:
 - (i) identify their disability themselves; or
 - (ii) disclose their disability to their employer as long as their identity is kept confidential.
- 16.6. The workplace profile should include any employees who are **not in active employment**; for example employees who are receiving total or partial income replacement benefits while recovering from illness or disability.
- 16.7. When designated employers are **setting targets**, they should aim to recruit and promote people with disabilities at all occupational levels, as people with disabilities are often employed in low status work and tend to be promoted less often than employees without disabilities.

¹³ See also Code of Good Practice on the Preparation, Implementation and Monitoring of Employment Equity Plans.

-
- 16.8. If employees with disabilities are **concentrated in particular occupational categories**, the employer should consider if its criteria for selection or performance standards could be adapted to facilitate employees with disabilities being employed in different categories.
- 16.7. Employers should regularly evaluate the **relationship between employees and the working environment** and where necessary provide appropriate programmes to prevent injury, illness and disability and promote health at work.
-

Dog ate your Gazette? ... read it online



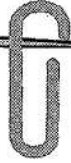
www.SA Gazettes.co.za

A new information Portal keeping you up to date with news, legislation, the Parliamentary programme and which is the largest pool of SA Gazette information available on the Web.

- Easily accessible through the www!
 - Government Gazettes - from January 1994
 - Compilations of all Indexes pertaining to the past week's Government Gazettes
 - All Provincial Gazettes - from September 1995
 - Parliamentary Bills - as of January 1999
- Available in full-text, with keyword searching
- Sabinet Online scans, formats, edits and organize information for you. Diagrams and forms included as images.
- No stacks of printed gazettes - all on computer. Think of the storage space you save.
- Offer Bill Tracker - complementing the SA Gazettes products.

For easy electronic access to full-text gazette info, subscribe to the SA Gazettes from Sabinet Online. Please visit us at www.sagazettes.co.za





*Looking for back copies and out of print issues of
the Government Gazette and Provincial Gazettes?*

The National Library of SA has them!

Let us make your day with the information you need ...

National Library of SA, Pretoria Division

PO Box 397

0001 PRETORIA

Tel.:(012) 321-8931, Fax: (012) 325-5984

E-mail: infodesk@nlsa.ac.za



*Soek u ou kopieë en uit druk uitgawes van die
Staatshoerant en Provinsiale Koerante?*

Die Nasionale Biblioteek van SA het hulle!

Met ons hoef u nie te sukkel om inligting te bekom nie ...

Nasionale Biblioteek van SA, Pretoria Divisie

Posbus 397

0001 PRETORIA

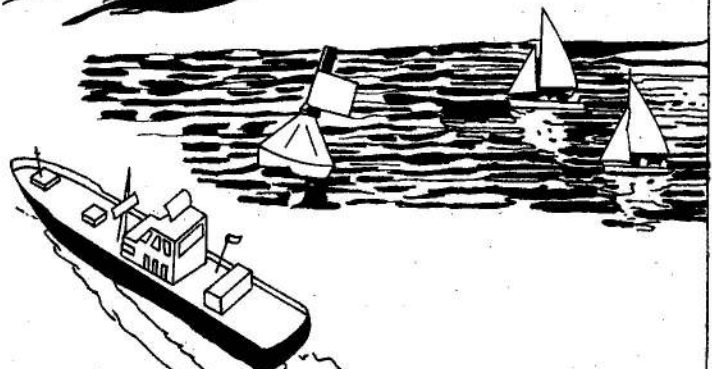
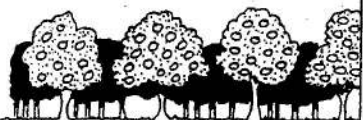
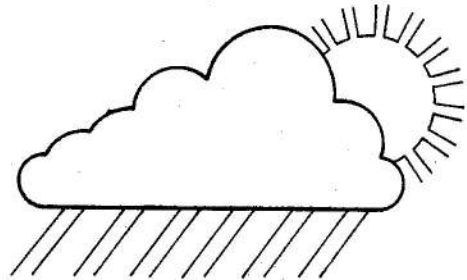
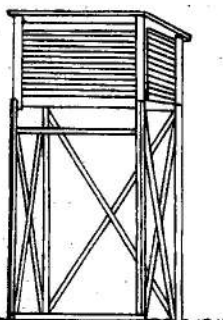
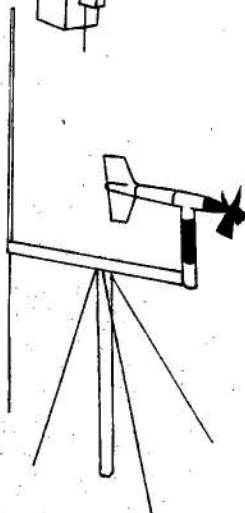
Tel.:(012) 321-8931, Faks: (012) 325-5984

E-pos: infodesk@nlsa.ac.za



SA WEATHER BUREAU SA WEERBURO

WEATHER · SERVICES · WEERDIENSTE



Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
Kaapstad-tak: Tel: (021) 465-7531