

Disability in the Workplace Policy and Guidelines

FEBRUARY 2015

1.0 The Purpose of this Policy

The purpose of this policy is to inform YAC staff of the employment and workplace relations requirements in relation to people with a disability. There are significant benefits to be gained by employing and retaining people with a disability

- a) Reduced turnover and enhanced performance through high levels of loyalty and productivity demonstrated by employees with a disability.
- b) Enhanced organisation skill base and recruitment advantage in the labour market by tapping into a broader talent pool of potential employees.
- c) Improved corporate reputation in the community for fairness, inclusion and redressing disadvantage.

This policy also seeks to:

- a) Ensure a transparent and consistent approach to creating equal opportunity for people with a disability who are currently employed or seeking employment with the Firm.
- b) Assist YAC leaders and employees achieve optimum access and inclusion of employees with a disability in the Firm's workforce consistent with the principles of Human Rights and Disability Discrimination legislation.
- c) Provide all employees with the opportunity to develop professional learning, understanding, and positive attitudes About disability in the workplace

YAC staff needs to be aware of the consequences of not providing equal opportunities in employment including:

- a) Discrimination and liability costs
- b) Loss of productivity and lower morale
- c) A negative impact on learning and development, and
- d) Damage to the Firm's reputation

2.0 Guidelines for Recruitment and Selection

The principles of non-discrimination should be adhered to throughout the recruitment process, irrespective of whether applicants have a disability or not. This means that it may be necessary to provide reasonable adjustments in recruitment & selection to ensure people with a disability are not disadvantaged.

a) Key Selection Criteria

All job applicants must be measured against the key selection criteria taking into account provisions for reasonable adjustment. The key selection criteria should include only the specific skills, knowledge and abilities regarded as essential for performing the functions of the job. Recruitment and selection criteria documents should include a commitment to equal opportunity principles and practices.

2.1 Selection Procedure Guidelines

a) The Selection Panel

When choosing selection panel members try to include someone with an awareness of disability issues in the workplace. The selection committee should focus on the merit and abilities of the applicant rather than their disability

2.2 The Interview

Applicants invited for an interview should be asked if they require any individual support or assistance prior to the interview. Arrangements should be made to accommodate these requests. An interview for a person with a disability is otherwise no different to one for a person without a disability.

In framing questions, interviewers should think about what they need to know. Making assumptions regarding the capabilities

of a person on the basis of a disability or medical condition is discriminatory. Questions or statements must be based on assessing the person's skill and ability to perform the inherent requirements of the job. To help find out the answers to these questions, provide a clear outline of the job's requirements and then ask the applicant:

- a) If there is any reason why he or she could not meet these requirements
- b) If any adjustments are needed to ensure a fair and equitable interview/selection process
- c) If he or she has any pre-existing impairment or illness that may be affected by the job
- d) If any adjustments would be needed for the applicant to do the job

2.3 Guiding principles

- a) Treat the person with a disability as you would any other applicant.
- b) It is important not to make assumptions about people with disabilities. If you need information, ask the applicant.
- c) Feel free to ask if the person needs assistance but do not automatically assume he or she needs it.
- d) Provide assistance to enable the person to compete fairly (e.g. access to buildings, an interpreter at the interview).
- e) If selection tests are to be used, make them available in a form accessible to applicants with a disability.
- f) Be willing to repeat a question, or ask for clarification and be patient.
- g) Do not avoid asking essential questions relating to the position.
- h) Be open-minded. People with a disability are often able to perform at the same level as people without a disability.

2.4 Examples of appropriate questions

- a) This job involves conducting research and report writing. Can you tell us how you would go about that?
- b) Can you tell us how you go about carrying out your duties?

- c) If you were successful in getting this position, is there any equipment or reasonable adjustments to the workplace you may need?
- d) Examples of inappropriate questions
- e) How did you acquire your disability?
- f) How would your disability affect your ability to carry out the functions of this job?
- g) Do you think your disability means you would perform this role better or worse than a person without a disability?

3.0 Retention of Employees with a Disability: Injury & Acquired Disability

Current employees can acquire disabilities, become injured, have a pre-existing disability which worsens over time or disclose a preexisting disability for the first time. In each case employees are protected against discrimination and harassment by the law.

3.1 Injury at work

Discrimination against injured workers is against the law whether the injury was sustained at work or outside the workplace.

3.2 Return to work

Effective rehabilitation is characterised by a process whereby the employee progressively moves from injury or illness to full productivity. Good practice provides for the process of transition back to full productivity to begin as soon as possible after the injury or illness is identified.

3.3 Access to Flexible Work

The Firm recognises the importance of flexible work and leave arrangements in supporting employee work-life balance and maintaining a diverse workforce. Flexible work arrangements can be instrumental in both recruitment and retention of employees with a disability.

A wide range of flexible work and leave options can be accessed by employees with a disability. They can range from short term one off arrangements to meet medical appointments to longer term options that may include reduced hours, flexible start and leave times and telecommuting arrangements.

Flexible work arrangements can assist employees with family or care giver responsibilities. Care giver's responsibilities may include caring for children, spouse or family member with a disability.

3.4 Assistance for Employees and Employers

Employees with a disability seeking assistance should in the first instance approach their manager or principal. Where additional support is required this can be provided by the Managing Counsel. Advice can be sought from the contacts listed in the next section.

The following schemes are in place to encourage the employment of people with a disability:

a) Recruitment assistance

Assistance may be sought from different disability organizations or an agencies specialising in the recruitment of people with disabilities.

b) Workplace Modifications

A Workplace Modifications Scheme shall be established to pay for the costs involved in modifying the workplace or purchasing special or adaptive equipment for eligible employees with disability. It is also available to existing employees if they have had a change in duties, career progression, and change in disability and/or a new modification becomes available that would increase their productivity.

LIST OF RELATED LAWS

1. THE CONSITUTION
2. THE NATIONAL POLICY ON DISABILITY
3. THE PERSONS WITH DISABILITY ACT, 2010
4. THE OCCUPATIONAL HEALTH AND SAFETY ACT (Act No. 5 of 13, 2003)
5. THE EMPLOYMENT AND LABOUR RELATIONS ACT, 2004
6. EMPLOYMENT EQUITY ACT