



UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG

POLICY DOCUMENT

Policy on the Employment and Advancement of Persons with Disabilities

WITS POLICY

Version No. 2.0

TABLE OF CONTENTS

1.	CONTEXT / BACKGROUND	1
2.	DEFINITIONS	2
3.	PURPOSE	3
4.	SCOPE	3
5.	PRINCIPLES	3
6.	ROLES AND RESPONSIBILITIES	6
7.	RESOURCES & RELATED DOCUMENTS	6
8.	ANNEXURES	8

Policy Title	Policy on the Employment and Advancement of Persons with Disabilities C2013/232B
Policy Officer	Dr Anlia Pretorius
Date Approved	06 November 2013
Date Effective From	07 November 2013
Last updated	9 May 2016

1. CONTEXT / BACKGROUND

The University values diversity and is committed to creating equal opportunities for applicants and employees with disabilities. The principles contained in this Policy will be applied and adhered to in order to ensure disability integration into all its human resource policies and procedures.

1.1. Statement of Commitment –

- 1) Wits believes the inclusion, empowerment and integration of students and employees with disabilities are integral components of our institutional identity and will impact in beneficial ways on the (Wits) experience.
- 2) The Wits experience is envisaged by the Wits community to be an intellectual and social experience that is characterized by academic rigor, debate and vibrancy in a supportive, nurturing and caring environment constructed upon principles of human rights.
- 3) The University of Witwatersrand (Wits) recognises that persons with disabilities have been historically marginalized in South Africa and that it is imperative that higher education, and Wits specifically, puts measures in place to redress the inequalities and disadvantages created by prejudice and discrimination, and contributes to a democratic vision which is respectful of all human rights.
- 4) The University hereby commits to upholding the principles enshrined in legislation governing the rights of persons with disabilities.
- 5) In seeking to achieve these objectives, Wits will ensure:
 - 1) that the advancement of persons with disabilities is reflected in its academic, research and social engagement plans;
 - 2) the sustainability of disability support plans through inclusion in its strategic and financial planning mechanisms;
 - 3) Activities of the University contribute to a welcoming environment and culture that fosters and encourages positive and unprejudiced attitudes towards persons with disabilities.
 - 4) Those equal opportunities are provided to persons with disabilities and reasonable accommodation is provided to create an enabling environment.

1.2. Employment of Persons with a Disability

- 1) Wits advocates the employment of suitably qualified persons with disabilities in its workforce. In this context Wits will continuously develop and review its employment and related policies in order to ensure equal opportunities and non-discrimination.
- 2) Wits will attract, recruit, develop, advance and treat qualified persons with disabilities fairly in all employment practices, such as advertising, recruitment, appointment, promotion, retention, transfer, termination, job evaluation, remuneration, reward and benefits as well as selection for training.
- 3) The employment of persons with disabilities will enrich the diversity of the workforce and enhance a culture of inclusivity. The increased presence and visibility of persons with disabilities will contribute to an increased awareness and understanding of disability issues among employees and students.
- 4) Increased employment of persons with disabilities will assist in knowledge production and research output in the field of disability.

2. DEFINITIONS

Words that appear in bold have a specific meaning or definition as explained below:

- 2.1. **"EE Act"** refers to the Employment Equity Act, no 55 of 1998, as amended;
- 2.2. **"Equality Act"** refers to the Promotion of Equality and Prevention of Unfair Discrimination Act, no 4 of 2000, as amended;
- 2.3. **"LR Act"** refers to the Labour Relations Act, no 66 of 1995, as amended;
- 2.4. **"Disability Code"** refers to the Code of Good Practice on the Employment of Persons with Disabilities as published under the EE Act;
- 2.5. **"Dismissal Code"** refers to the Code of Good Practice for Dismissal published under the LR Act;
- 2.6. **"Technical Assistance Guidelines (TAG)"** refers to the guidelines on the employment of persons with disabilities published under the EE Act';
- 2.7. **"Affirmative Action Measures"** are measures designed to ensure that suitably qualified persons from designated groups (i.e. persons with disabilities) have equal employment opportunities and are equitably represented in all occupational categories and levels in the Wits workforce;
- 2.8. **"Employees"** refers to the various categories of employees as applied throughout Wits being full-time continuous, full-time fixed period, part-time continuous, part-time fixed period as well as sessional;
- 2.9. **"Employment Equity Plan"** means the employment equity plan of Wits as prescribed by the EE Act;
- 2.10. **"Employment policy or practice"** includes, but is not limited to recruitment procedures, advertising and selection criteria; appointments and the appointment process; job classification and grading; remuneration, employment benefits and terms and conditions of employment; job assignments; the working environment and facilities; training and development; performance evaluation systems; promotion; transfer; demotion; disciplinary measures other than dismissal; and dismissal;
- 2.11. **"Employment barriers"** refers to policies, actions, behaviour, practices, procedures, and institutional strategies etc. which adversely affect persons with disabilities' prospects of entry and/or advancement in employment. These may be:-
 - 1) **Attitudinal barriers** caused by values inconsistent with the spirit of this policy for e.g. ignorance and inadequate knowledge, prejudicial attitudes and false perceptions about disability and disabled persons, and which have the effect of discriminatory behaviour;
 - 2) **Organizational barriers** caused by policies, procedures, guidelines and practices which are inconsistent with the EE Act and Disability Code, as well as those which deprive persons with disabilities of fair access to employment and other opportunities;
 - 3) **Environmental barriers** caused by physical and structural aspects of the working and built environment which have the effect of unfairly making facilities and amenities inaccessible, unfair exclusion or unequal rights to use, enjoy and benefit from them.
- 2.12. **"Persons with disabilities"** means persons who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment, as defined in the EE Act;
- 2.13. **"Reasonable accommodation"** means any modification or adjustment to a job or the working environment that will enable a person from a designated group (i.e. employees with disabilities) to have access to or to participate or advance in employment, as defined in the EE Act. These measures ensure that persons with disabilities enjoy equal opportunities and are equitably represented in the Wits workforce;
- 2.14. **"Suitably qualified"** means a person who is 'suitably qualified' for a job as a result of that person's (a) formal qualifications (b) prior learning (c) relevant experience and/or (d) the capacity to acquire, within a reasonable time, the ability to do the job", as defined in the EE Act;

- 2.15. **“Policy”** refers to this policy document and all procedures and guidelines issued in terms of its provisions, and those that may be issued in future;
- 2.16. **“Substantively limits”** means that in its nature, duration or effects, the person’s impairment substantially limits their ability to perform the essential functions of the job for which they are being considered with due regard also for the role played by attitudinal, organisational and environmental barriers;
- 2.17. **“Unjustifiable hardship”** means significant difficulty or expense incurred by the employer with respect to the provision of reasonable accommodation. Unjustifiable hardship means that an accommodation would be unduly costly, expensive, substantial, disruptive or would fundamentally alter the nature or operation of the business to the detriment of Wits;
- 2.18. **“Wits experience”** means the commitment as set out in the Wits 2022 Strategy to uphold values enshrined in the South African Constitution and Bill of Rights in teaching, research, service and social engagement as well as in campus life. The Wits experience has three pillars, namely intellectual project, student centeredness and institutional culture. It wants to create an intellectually vibrant, socially embracing and culturally diverse teaching and learning environment.

3. PURPOSE

- 3.1. This policy outlines the obligation of Wits to promoting the workplace rights and interests of persons with disabilities;
- 3.2. It aims to create an enabling and barrier-free environment by removing all forms of unfair discrimination against persons with disabilities;
- 3.3. It also seeks to create a favourable working environment where persons with disabilities can perform to their optimum and realise their potential;
- 3.4. The policy sets out measures to be put in place for best human resource practice and compliance with applicable legislation.

4. SCOPE

- 4.1. All Faculties, Departments and Units of Wits are bound by the provisions contained herein.
- 4.2. All employees must adhere to the principles of non-discrimination, inclusivity and equal opportunities and must act in accordance with prescribed procedures.
- 4.3. Employees and job applicants with disabilities will benefit from the affirmative action initiatives embarked upon by Wits and can apply for reasonable accommodation in accordance with the provisions of this policy.
- 4.4. This Policy will inform the application of all Wits policies and practices when applied to employees with disabilities.
- 4.5. This Policy must be read together with its supporting Guidelines & Procedures (Annexure A).
- 4.6. A separate Wits Policy on Students with Disabilities addresses the need for an integrated and inclusive learning experience for all its students.

5. PRINCIPLES

- 5.1. Disclosure of disability status and confidentiality
- 1) Wits will create a positive and safe environment that promotes acceptance, and protects employees with disabilities from prejudice and discrimination. Wits will encourage voluntary disclosure and not impose on any employee to disclose their disability status. The Guideline and Procedure on the Definition of Disability and Disclosure of Disability Status attached as Annexure A hereto will be applied.
 - 2) In the case of non-disclosure by a person with a disability, or where the disability is not self-evident, Wits may not be held liable for failure to comply with the provisions of this policy. Wits may require the employee to disclose sufficient information to

confirm the disability and/or to assist in determining the appropriate accommodation needs. Disclosure may occur during the application and recruitment process or at any time during employment.

- 3) For purposes of benefit administration an independent medical verification may be required at the university's expense. Written consent of the employee is required in order for medical information to be made known to the employer.
- 4) Wits undertakes to protect the confidentiality of the information that has been disclosed and will take care to keep records of private information confidential. Disclosure will take place only under specified conditions i.e. with the consent of the employee, when it relates to the health and safety of the employee and fellow employees, and when reasonable accommodation is requested.

5.2. Identification and removal of barriers

- 1) Wits recognizes the necessity of proactively removing barriers to persons with disabilities and will aim to establish a universal-access- design environment that benefits all, employees, students and visitors alike.
- 2) Wits will ensure that a qualified applicant or employee with a disability can perform the inherent requirements of the job through reasonable accommodation.
- 3) Wits will evaluate/audit the working environment and where necessary, provide appropriate interventions in order to create an enabling environment.
- 4) Organizational Barriers (policies and plans) - Wits will continually re-align its policies and practices with relevant legislation and applicable codes of good practice.
- 5) Attitudinal barriers (awareness raising and advocacy) - Wits will implement ongoing sensitisation and advocacy initiatives, which will include attitudinal and skills training, that promotes and maintains an inclusive culture and an enabling environment.
- 6) Environmental barriers (the built environment) - Wits will ensure, as far as is reasonably possible, that its entire built environment is compliant with the National Building Regulations and Building Standards Act as amended for persons with disabilities. A phased in approach will be adopted with older structures whilst new projects will include universal access requirements from the outset, which caters for different types of disabilities.

5.3. Reasonable accommodation

- 1) Wits respects, and will implement the right of job applicants and employees with disabilities to receive reasonable accommodation, when the person voluntarily discloses a disability-related accommodation need. Accommodation will be considered by Wits throughout the employment cycle.
- 2) Wits will put in place a fair procedure through which reasonable accommodation requests are assessed and budgeted for as set out in the Wits Guideline and Procedure on Reasonable Accommodation – see Annexure B attached.
- 3) The “Disability and Reasonable Accommodation Panel” will be established to adjudicate over all applications for reasonable accommodation. The Guideline and Procedure on Reasonable Accommodation (Annexure B) will set out the terms of reference of the proposed panel.
- 4) A central budget through the “Reasonable Accommodation Fund” administered by the Disability Rights Unit will be made available to meet the accommodation requirements of the University.
- 5) All Faculties and Divisions will be required to progressively integrate reasonable accommodation in their budgeting processes.
- 6) The Disability Rights Unit will collaborate with relevant units/departments in meeting the accommodation requirements of the University.
- 7) Wits will consult with the employee with a disability and where necessary obtain expert opinion to determine the most effective form of accommodation.
- 8) Guided by expert opinion, Wits may decline requests for reasonable accommodation.

5.4. Employment

- 1) Recruitment and selection
 - 1) Wits will ensure that all vacancies will be open to all persons including persons

with different disabilities and that it will use accessible recruitment methodologies to target and attract persons with disabilities. Wits will determine whether the applicant is "suitably qualified" against the inherent requirements of the job.

- 2) Wits will ensure that the recruitment of an applicant with a disability will be done on the basis of the applicant's ability and competencies to perform the job.
- 3) Wits will ensure that competency based assessments are inclusive and fair.
- 4) Recruitment and selection will be done in accordance with the Wits Guidelines & Procedure on Recruitment and Selection attached as Annexure C hereto.
- 2) Talent Management - Wits will institute a fair performance management system that allows equal access to the assessment of performance of employees with disabilities and provide opportunities for continuous and ongoing improvement and development in accordance with the Wits performance management policy.
- 3) Conditions of employment
 - 1) Wits will ensure that applicants with disabilities are employed on equal terms as other employees within the same field of work.
 - 2) Employees with disabilities will experience the same conditions of employment, disciplinary codes, benefits and contractual obligations as other employees.
 - 3) Disability will not be a criterion for refusing to promote, train and/or develop employees.
 - 4) Wits commits to adhering to the principal of equal pay for work of equal value.
 - 5) Wits will ensure that the employer benefit scheme(s) or fund(s) does not unfairly discriminate, either directly or indirectly, against persons with disabilities. Wits will investigate and, if practical, offer benefits schemes that reasonably accommodate persons with disabilities.
 - 6) Wits undertakes to establish appropriate health and safety policies and procedures, prevention programmes and to take reasonable steps to ensure that a healthy and safe working environment is provided and maintained for employees with disabilities, including appropriate emergency and evacuation procedures.
- 4) Preferential treatment - Wits will give preference to persons with disabilities as set out in the Wits Employment Equity Policy and Employment Equity Plan. Consideration must be given to affirmative action measures and numerical goals/targets when recruiting. Affirmative action principles will also be considered in case of development and upward mobility.

5.5. Ability management -

- 1) Wits will establish specific policies and implement best practices (including vocational rehabilitation and/or early-return to work programmes) that will promote ability management and the retention of current employees with disabilities and employees who become disabled whilst in employment. This will be done through a consultative process with the employee involved.
- 2) The Wits Guideline and Procedure on Ability Management and Medical Incapacity Terminations attached as Annexure D hereto will be applied.

5.6. Termination and Incapacity

- 1) Wits will be able to terminate the services of an employee with a disability following a fair procedure based on a substantively fair reason.
- 2) Wits endeavours to retain employees with disabilities as far as reasonably possible and will exhaust reasonable accommodation measures before considering termination of services.
- 3) When dealing with possible incapacity or potential termination of services, Wits will follow applicable employee relations and disability insurance procedures, which include the Wits Guideline and Procedure on Ability Management and Medical Incapacity Terminations (Annexure D referred to above), the Wits Poor Work Performance Policy as well as the LR Act.

5.7. Disputes - In the event of a dispute over the application of this policy, the Wits Discrimination Policy and Grievance and Disciplinary Procedures will be applied.

6. ROLES AND RESPONSIBILITIES

- 6.1.** The Vice Chancellor will be the first point of accountability for the implementation of this Policy and will be the sponsor and champion of the various disability initiatives.
- 6.2.** The Senior Director: Human Resources will be responsible for the development and implementation processes, procedures and practices across the human resources value chain which gives effect to the provisions of this policy.
- 6.3.** Faculty and Division Heads/Managers -
- 1) Will be responsible for annually reviewing disability representation in their respective areas of responsibility and, where underrepresentation has been identified, develop and implement reasonable steps to address it. They will be required to include steps to address underrepresentation in their annual operational plans. This will include, inter alia, provision of reasonable accommodation in their areas of responsibility.
 - 2) Will be required to include steps taken to address underrepresentation of persons with disabilities in their annual reports.
- 6.4.** The Director: Property and Infrastructure Management Division (PIMD) will be responsible for continuously conducting physical accessibility audits and progressively remove all physical barriers and accessibility hazards.
- 6.5.** All Human Resources managers and practitioners will be responsible for ensuring that the provisions of this policy are adhered to at all times throughout the human resources value chain.
- 6.6.** All Chairpersons of shortlisting and selection committees will be responsible for ensuring that shortlisting and selection processes are conducted in a fair and just manner free from biasness and prejudice.
- 6.7.** The Disability Rights Unit –
- 1) Will provide support to Faculties, Divisions and all employees in relation to the provisions of this policy.
 - 2) Will review measures undertaken by the University in relation to the provisions of this policy and include them in the annual Transformation reports.
 - 3) Will be responsible for reviewing and updating this policy every five years.
 - 4) The Academic and Facilities Access Coordinator will attend to any queries concerning this Policy and its supporting Guidelines.

7. RESOURCES & RELATED DOCUMENTS

7.1. Resources -

- 1) The Disability Rights Unit, in collaboration with relevant units/departments, will be responsible for providing both financial and non-financial resources for disability related initiatives as well as to fund reasonable accommodation measures that may be required.
- 2) A number of supporting guidelines assist in the implementation of this Policy. More particularly they are:
- 3) Guidelines & Procedure on the Definition of Persons with Disabilities and Disclosure of Status;
- 4) Guidelines & Procedure on Reasonable Accommodation;
- 5) Guidelines & Procedure on Recruitment and Selection;
- 6) Guidelines & Procedure on Ability Management and Medical Incapacity Terminations.
- 7) Ad hoc advice and assistance will be obtained from specialist departments at Wits, such as occupational health and occupational therapy as well as from the Wits Disability Rights Unit.
- 8) The Disability Rights Unit will liaise with different consultative bodies such as the Wits Employment Equity Forum, any Disability Forum that may be created, trade

unions and other related forums to ensure a holistic and integrated approach to addressing disability in the Wits workplace.

- 9) Employment Equity Act 55 of 1998
- 10) Labour Relations Act 66 of 1995
- 11) Skills Development Act 97 of 1998
- 12) Code of Good Practice on Disability
- 13) Technical Assistance Guidelines
- 14) Green Paper on Post-School Education

7.2. University Policies and Documents -

- 1) Recruitment, Selection and Appointment Policy
- 2) Sexual Harassment
- 3) Discrimination Policy
- 4) Performance Management Policy
- 5) Summary of benefits
- 6) Remuneration Policy
- 7) AIDS Policy
- 8) Employment Equity Policy
- 9) Conditions of Service
- 10) Employee Relations Procedures

8. ANNEXURES

8.1. ANNEXURE A: Guideline & Procedure on the Definition of Persons with Disabilities and Disclosure of Disability Status

1. PURPOSE

- 1.1. This document forms an addendum to the Wits Policy on the Employment and Advancement of Persons with Disabilities and must be read in conjunction with it.
- 1.2. It clarifies the legal rights and obligations of Wits and its employees in determining disability status in the workplace as provided for in terms of the Employment Equity Act, 1998 (as amended) ("EE Act").

2. APPLICATION

- 2.1. This Guideline & Procedure applies to all employees and job applicants with disabilities
- 2.2. A disability may be self-evident or may be disclosed on a voluntary basis to Wits in accordance with the procedure set down below.
- 2.3. All Departments and Faculties of Wits are bound by its provisions.

3. DEFINITIONS

The terms used in this Guideline & Procedure have the meaning ascribed to them in the Wits Policy on the Employment and Advancement of Persons with Disabilities. These definitions are taken from applicable employment equity legislation.

PART A – GUIDELINE

4. HOW IS DISABILITY DEFINED?

According to the EE Act and the Code of Good Practice on Disability, people with disabilities are considered as such if they satisfy **all** the criteria in the following definition:

- "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" (EEA) and/or their ability to perform the inherent requirements of their job without any form of reasonable accommodation (Disability Code).

It is important to realise that this defines disability only within the context of the workplace. As the concept operates on a continuum it could have different meanings in different contexts. For example, disability for purposes of insurance claims or in order to access social grants from Government would not be similarly defined.

A person must meet **ALL three** of the elements above in order to claim the protected status as a person with a disability and it thus requires a case by case analysis.

Although an applicant or employee has the right to non-disclosure, it could be to both the advantage of the employee and the employer if he/she does indeed disclose. A safe environment free from discrimination will first need to be created before people will be willing to disclose. This is mainly due to a fear of victimisation or discrimination if their status is known. By following the principles on inclusive recruitment, retention and advancement set out in its policy document on the employment and Advancement of persons with disabilities, Wits strives to create such an environment.

5. THE THREE CRITERIA EXPLAINED

The three criteria can be explained as follows:

5.1. Having an impairment

An impairment may be physical or mental or a combination of both.

‘Physical impairment’ means a partial or total loss of bodily function or part of the body. It includes sensory impairments such as being deaf, having a hearing impairment, or visual impairment.

“Mental impairment” means a person with a clinically recognized condition or illness that affects their thought process, judgement or emotions. This includes conditions such as intellectual, emotional and learning disabilities.

5.2. Long term or recurring

‘Long term’ means the impairment has lasted or is likely to last for at least twelve months (for example, a person with a spinal cord injury as opposed to a leg fracture).

‘Recurring impairment’ is one that is likely to happen again and to be substantially limiting. It includes a chronic condition even if its effects on a person fluctuate (for example, a person with rheumatoid arthritis).

‘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 (for example, people with cancer or who have multiple sclerosis).

People who are HIV positive do not have a disability. However, where the person has a CD4 count higher than that which defines the person as having AIDS, then he/she is classified as having a disability.

5.3. Substantially limiting

Substantially limiting means if, in its nature, duration or effects, the person’s impairment substantially limits their ability to perform the essential functions of the job for which they are being considered. Some impairments are so easily controlled, corrected or lessened, that they have no limiting effects e.g. a person who wears spectacles or contact lenses.

In order to avoid a too limited interpretation of the criterion that the impairment must be “substantially limiting”, the focus should not only be on the medical symptoms of an impairment or disease. Wits follows a social model where the contribution of societal, attitudinal and physical infra-structure barriers in creating the limitations is acknowledged.

If the effect of the impairment is not substantially limiting, even if the other two criteria are met, then the person may not be considered as a person with a disability.

6. COMMON EXAMPLES

Disabilities can be visible, such as a person with paraplegia making use of a wheelchair, an amputee or a person with blindness.

It can also be invisible, such as dyslexia (a learning impairment), epilepsy (a neurological condition) and clinically diagnosed bipolar disorder (a psychological condition). Chronic, progressive and/or terminal diseases such as heart disease, cancer and diabetes could qualify depending on whether or not they substantially impacts on the person's ability to perform his/her employment obligations. From the examples it is clear that the definition covers a wide spectrum of conditions and impairments.

The status must be assessed against the 3 criteria above on a case-by-case basis and the employer has the right to independently verify the condition/impairment.

7. EXCLUSIONS

For reasons of public policy certain conditions or impairments may not be considered as disabilities. These include:

- Serial behavioural 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 recognized program of treatment.

8. CONFIDENTIALITY

Confidentiality is an important guiding principle and should be adhered to at all times. The confidentiality of profile records/disclosure documentation must be protected and maintained. These documents will be kept separate from general personnel records and must be used for no other purpose than verifying disability status and anonymous reporting. A person's disability status may be disclosed to third parties only with the person with the disability's consent, preferably obtained in writing.

9. EMPLOYER CHECKLIST

When assessing eligibility the following checklist can be used:

Elements	Nature and impact	YES <input checked="" type="checkbox"/>
1. Does the person have some impairment?	Physical	
	Mental	
	Sensory	
	Combination	
2. Is it long lasting or recurring?	Permanent	
	Recurring	
	Chronic	
	Progressive in nature	
3. Does it substantially limit the person alone and/or in combination with environment and people's attitudes?	Limits entry into employment	
	Limits retention of existing job	
	Limits advancement in employment	
4. Is the person a person with a disability?	Person only qualifies if ALL 3 criteria above are met.	

10. SUPPORTING DOCUMENTS

- Employment Equity Act, 1998
- Code of Good Practice on Persons with Disabilities in the Workplace
- Technical Assistance Guidelines on the Employment of People with Disabilities

PART B – DISCLOSURE PROCESS

11. RESPONSIBILITIES

An applicant for employment or employee has a choice to disclose their disability, impairment and related accommodation requirements at any time in the employment cycle. However, an employee can only claim protected status if they have disclosed their disability or if it is self-evident. The employer has the right to verify a person's disability status, where necessary. Wits has a right to request functional assessment of a specific job-related disability in which case it will bear the cost. The major responsibilities each party has in connection with the disclosure of disability status are as follows:

Person	Responsibilities
Job applicant with disability Employee seeking disability status Academic and Facilities Access Coordinator	<ul style="list-style-type: none"> ▪ Inform the HR manager responsible for the recruitment process of disability status. ▪ Contact the Academic and Facilities Access Coordinator in the Disability Rights Unit to disclose disability status and complete relevant documentation. ▪ Provide required medical information to support the claim. ▪ Provide consultative services, advice and guidance to the university community with regard to the definition of persons with disabilities and disclosure process. ▪ Provide assistance to the Disability & Reasonable

Managers/Heads/Deans

- Administer all employment-related disclosures received from employees and applicants for employment claiming eligibility.
- Respond to inquiries regarding disability workplace issues.
- Keep confidential records of disclosure documentation.
- Investigate complaints or grievances arising out of the disability disclosure process.
- Record the disability status of applicants as part of the recruitment and selection process. Inform the Academic and Facilities Access Coordinator when a conditional job offer is considered for an applicant with a disability.
- Have all new entrants complete the Disclosure and Application for Reasonable Accommodation form as prescribed by applicable legislation. Where a disability is noted, refer the employee to the Academic and Facilities Access Coordinator.
- Refer any employee who becomes disabled whilst in the employment of Wits or discloses such in the course of employment or where self-evident, to the Academic and Facilities Access Coordinator.
- Preserve the confidentiality of the employee concerned.
- Refer any employee who becomes disabled whilst in the employment of Wits or discloses such in the course of employment or where self-evident, to the Academic and Facilities Access Coordinator.
- Preserve the confidentiality of the employee concerned.

- Review status disclosures for eligibility with due regard for the EE Act (as amended) and the Wits Policy on the Employment of Persons with Disabilities.
- Request and/or review medical verification in support of disclosure, if necessary.
- Provide guidance, advice and support to the University community relating to the implementation of this Guideline & Procedure and supporting or related documentation.
- Make written submissions to employees in case doubt exists about their eligibility and engage with them to find amicable solution.
- Issue written confirmation of disability status to the individual employee and the Wits Disability Rights Unit.
- Refer employees who think they may be eligible to the Academic and Facilities Access Coordinator
- Provide confidential counselling to employees with disabilities and staff who need assistance in resolving workplace concerns.

12. DISCLOSURE PROCESS

The following disability status disclosure process applies:

Steps	Actions
Seeking disability status	<p>An employee or applicant to whom a conditional job offer has been made who claims disability status in terms of the Employment Equity Act, 1998 (as amended) must:</p> <ol style="list-style-type: none"> 1. Complete the Disclosure of Disability Status Form available from the Academic and Facilities Access Coordinator or at the Disability Rights Unit website. 2. Submit the completed form plus supporting medical documentation to the Academic and Facilities Access Coordinator.
Discussion	<p>Following receipt of the necessary documentation the Academic and Facilities Access Coordinator will meet with the employee concerned to briefly discuss the disclosure. During the meeting the Coordinator will acknowledge receipt of the documentation and explain the university's eligibility process. A telephone discussion may suffice in case of an applicant for employment, if referred by the HR manager as part of a recruitment process.</p>
Verification documentation	<p>It is the responsibility of the employee/applicant to provide requested medical documentation regarding his/her claimed status. The documentation is required for purposes of verification and may vary depending on the nature and extent of the disability. During the meeting mentioned above such documentation may be required and a consent form to liaise with the treating doctor/specialist obtained.</p>

Steps	Actions
Assessment of the disclosure against eligibility criteria	<p>Once all documentation has been received the Wits Disability & Reasonable Accommodation Panel will convene to assess eligibility using legal guidelines and University policies. The Panel must namely confirm whether the person is a person with a disability as defined in the EE Act and that he/she meets all the set criteria for eligibility.</p> <p>In some cases it may be necessary to discuss the issue with the employee's licensed medical practitioner. If necessary, the Panel may request a second professional opinion. In the event that a second independent opinion is deemed necessary, a relevant specialist may be contracted by the Panel. The associated unit/department/faculty will bear the costs incurred in this regard. Alternatively, the Disability Rights Unit will make funding available for this purpose.</p> <p>As part of the eligibility process the Panel will consider:</p> <ol style="list-style-type: none"> 1. The nature, type and duration of an impairment based on medical documentation submitted; 2. Whether the impairment is substantially limiting meaning in its nature, duration or effects, the impairment

	<p>substantially limits the person's ability to perform the essential functions of the job for which they are being considered/which they occupy;</p> <ol style="list-style-type: none"> 3. The essential functions or core duties of the incumbent's position / position for which being considered (as provided by the relevant Manager/Head/Dean in conjunction with the HR manager); 4. Possible environment and attitudinal barriers that may play a role in disabling the individual concerned; 5. Potential issues posed. <p>Case by case basis: Disability status is determined on a case by case basis. The Panel follows an individualised assessment of each disclosure.</p> <p>When in doubt: When questions arise when perusing the written disclosure documentation about the eligibility of the person claiming disability status, the Panel will call the employee/applicant to whom a conditional job offer has been made to a meeting to discuss the grounds for his/her disclosure in comparison with the legislative requirements to claim disability status. A telephonic conversation may suffice in case of an applicant for employment.</p> <p>The Panel will, through the Academic and Facilities Access Coordinator, provide written confirmation of a person's disability status to the employee concerned as well as to the Wits Employment Equity Office. In order for the latter to compile the necessary statutory prescribed representative employee profile. In case of a recruitment process the disability status of the applicant will be confirmed with the applicable HR manager.</p> <p>Informal process: In the event that an employee/applicant disagrees with the eligibility determination of the Panel, he/she may contact the Wits Employee Relations Unit to try and facilitate an amicable conclusion.</p> <p>Formal process: An employee may institute a formal grievance process should he/she be dissatisfied with the outcome of the Panel's verification of his/her status.</p>
Confirmation of status	
Resolving disagreements	

13. DISPUTES

The Wits Grievance Procedure sets out a grievance process, by which any employee who is aggrieved by the outcome of the disability disclosure process can voice their concerns for resolution.

14. CONTACTS

Queries relating to this Guideline & Procedure can be addressed to the Academic and Facilities Access Coordinator or the Head of the Disability Rights Unit.

15. CONCLUSION

The aim is to encourage applicants and employees with disabilities to voluntarily disclose their disability to Wits in case it is not self-evident. This information will assist Wits in putting measures in place to address the needs of a particular individual, to assess and improve upon the representivity of its workforce and to put appropriate affirmative action measures in place to the benefit of employees and applicants with disabilities.

8.2. ANNEXURE B - Guidelines & Procedure on Reasonable Accommodation

1. PURPOSE

- 1.1. The primary aim of reasonable accommodation is to reduce the impact of a person's impairment on his/her ability to perform the essential functions of a job.
- 1.2. It further creates an enabling environment where persons with disabilities can access employment and other opportunities.
- 1.3. This document forms an addendum to the Wits Policy on the Employment and Advancement of Persons with Disabilities and must be read in conjunction with it.
- 1.4. It clarifies the legal rights and obligations of Wits and its employees with respect to requests for reasonable accommodation.
- 1.5. It sets out procedures to be followed when a request for reasonable accommodation is made.

2. APPLICATION

- 2.1. This Guideline & Procedure applies to all employees and job applicants with disabilities.
- 2.2. Such disabilities that are self-evident or disclosed on a voluntary basis to Wits in order for the person to benefit from this Guideline & Procedure.
- 2.3. All Departments and Faculties of Wits are bound by its provisions.

3. DEFINITIONS

- 3.1. The terms used in this Guideline & Procedure have the meaning ascribed to them in the Wits Policy on the Employment and Advancement of Persons with Disabilities.
- 3.2. These definitions are taken from applicable employment equity legislation.

PART A - GUIDELINES

4. THE DUTY TO REASONABLY ACCOMMODATE

- 4.1. Employment equity legislation places a legal obligation on employers to remove barriers which adversely affect persons with disabilities and/or to address or correct situations of unfair discrimination by, inter alia, providing reasonable accommodation.
- 4.2. The duty to accommodate is part of Wits' larger duty to eliminate all forms of unfair discriminatory practices and to put affirmative action initiatives in place.
- 4.3. The obligation to make reasonable accommodation available 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.
- 4.4. Reasonable accommodation is any change or modification made to an employment standard, policy, practice, job or the working environment which enables a person with a disability to enjoy equal opportunities with others and to have access to or to participate or advance in employment.
- 4.5. The type of reasonable accommodation required would depend on the job and its essential functions, the work environment and the person's specific need.
- 4.6. An employer is obliged to provide "reasonable accommodation" only to the point of "unjustifiable hardship". Whether a particular "accommodation" is "reasonable" depends on the circumstances present in each individual case.
- 4.7. Accommodations must be considered in accordance with the University's legal obligations throughout the employment cycle including the recruitment process, when deciding to or not to employ, when deciding on progression and training and thus providing advancement opportunities, in staff communications, for purposes of occupational health

and safety decisions, as well as during employment termination such as boarding decisions.

- 4.8. The person with the disability must be consulted. Community-based service organisations can be useful sources of information and assistance.

5. PRACTICAL EXAMPLES OF POSSIBLE MEASURES

Reasonable accommodation measures may include:

- 5.1. Assistance in making the physical workplace more accessible for the person's limitations and needs (for example, removal of physical barriers (such as building a ramp to ensure wheelchair access and making toilets accessible)
- 5.2. The provision of access to information and technology by adhering to the principal of universal design (for example, adapting existing or acquiring new equipment, e.g. computer hardware and software, including voice input/output software for persons with sensory impairments);
- 5.3. Workstation modifications and re-organisation to ensure persons with disabilities can work effectively and efficiently;
- 5.4. Job restructuring so that non-essential functions are re-assigned (for example, taking routine but physically demanding filing tasks if they are non-essential from the duties of a person who uses a wheelchair and reassigning them on a rotational basis among other employees);
- 5.5. Adjustment to work schedules (for example, flexible working hours, modified work schedules, and/or part-time work);
- 5.6. Adjusting working time and leave (for example, in cases of cyclical, but non-predictable impairments such as progressive health conditions (AIDS and cancer) and emotional disabilities);
- 5.7. Reassignment to a vacant position;
- 5.8. Allowing work from home or other remote locations;
- 5.9. Adjustments or modifications to equipment and devices;
- 5.10. Adjustment to the nature and duration of the duties of the employee at work, either on a temporary or permanent basis;
- 5.11. Providing specialised supervision and/or support in the workplace (for example, interpreters for the deaf, readers for the blind, job coaches for people with intellectual disabilities or personal assistants for people with physical disabilities);
- 5.12. The reallocation of non-essential job tasks and any other modifications to the way the work is normally performed or has been performed in the past;
- 5.13. Changing training and assessment materials, processes and systems (for example, providing training materials on request in electronic format, Braille or on tape for people with visual disabilities as well as identifying and hiring venues that are accessible to people with disabilities).

6. CRITERIA FOR REASONABLE ACCOMMODATION

The criteria for accommodation include interrelated factors, namely:

- The accommodation must remove the barriers to performing the essential function of the job for a person who is otherwise qualified;
- It must reduce the impact of a person's impairment on his/her capacity to meet the inherent requirements of their job;
- It must allow the person with a disability to enjoy equal access to benefits and opportunities in employment;
- It must be reasonable, i.e. it must be cost effective for the employer;
- Depending on the requirements of the individual, support might be temporary or permanent.

7. CONSENSUS SEEKING PROCESS

7.1. The process of identifying and implementing reasonable accommodation should involve consultation with different role players including the person seeking the accommodation in an effort to reach a mutually acceptable solution.

8. CONFIDENTIALITY

8.1. Confidentiality is an important guiding principle in the process and should be adhered to at all times.

8.2. The nature of the accommodation and not the reason for it must be communicated to other role players such as co-employees.

9. DOCUMENTATION

The following information should be documented:-

- Information on how the need for accommodation was identified;
- All forms of correspondence between relevant parties in the process;
- All forms of possible accommodation including those regarded as unreasonable or constituting “undue hardship”;
- All expert/specialist advice obtained to assist in the process;
- All quotations sourced during the process and
- Any other information deemed necessary.

PART B – APPLICATION PROCEDURE

10. WITS DISABILITY & REASONABLE ACCOMMODATION PANEL

10.1. The Wits Disability & Reasonable Accommodation Panel will be established in terms of the Wits Policy on the Employment and Advancement of Persons with Disabilities.

10.2. The Panel will consist of the following members:

- Academic and Facilities Access Coordinator;
- Human Resources Manager/Practitioner
- Transformation and EE Director or representative;
- Occupational Health Doctor;
- Relevant Manager/Head/Dean in whose department/unit the employee is employed/applicant for employment is being considered.
- Ad hoc specialist members co-opted from time to time should it be deemed necessary.

10.3. The Panel has two core functions, namely:

- To verify a disclosure of disability status against the statutory workplace definition;
- To make recommendations and determinations on reasonable accommodation requests received from persons with disabilities.

10.4. The Panel will meet on an ad hoc basis, but no longer than 5 working days after a completed request for Reasonable Accommodation Form has been received by the Academic and Facilities Access Coordinator.

10.5. The above principle will apply in case where a Disability Disclosure Form has been handed to the Academic and Facilities Access Coordinator.

10.6. The Panel will on an annual basis peruse the disability representivity profile prepared for the Department of Labour in terms of Wits' reporting obligations in terms of employment equity legislation and will verify the eligibility of any person, if required in the circumstances.

11. RESPONSIBILITIES

The major responsibilities each party has in connection with the reasonable accommodation procedure are as follows:

Person	Responsibilities
Applicant with disability seeking accommodation	<ul style="list-style-type: none"> ▪ Inform the HR manager responsible for the recruitment process to request the necessary disability-related accommodation to enable equal participation in the selection process. ▪ Inform the HR manager of the need to reasonable accommodation in the workplace once a conditional job offer has been made. Provide required medical information to support request for accommodation.
Employee with disability seeking accommodation	<ul style="list-style-type: none"> ▪ Contact the Academic and Facilities Access Coordinator to initiate requests for any desired disability-related workplace accommodation. ▪ Provide required medical information to support request for accommodation.
Academic and Facilities Access Coordinator	<ul style="list-style-type: none"> ▪ Provide consultative services, advice and guidance to the university community with regard to employment-related disability accommodations. ▪ Provide assistance to the Disability & Reasonable Accommodation Panel to perform their functions. ▪ Administer all employment-related requests from employees and applicants for employment for disability accommodations. ▪ Act as resource for obtaining technical and assistive equipment with regard to work-related reasonable accommodations and provide information on funding options. ▪ Coordinate overall responses to disability accommodation requests, as appropriate. ▪ Respond to inquiries. ▪ Monitor and review periodically the effectiveness, relevance and success of the measures put in place. ▪ Keep proper confidential records of all application processes.
Employee Relations Unit	<ul style="list-style-type: none"> ▪ Investigate complaints or grievances arising out of requests for disability accommodation that are denied or where issues arise regarding the implementation of approved measures.
HR Manager	<ul style="list-style-type: none"> ▪ Provide information about disability accommodations to employees and applicants. ▪ Refer employees or applicants who request accommodation to the Academic and Facilities Access Coordinator ▪ Provide on-going assistance to employees who request or for whom reasonable accommodations have been instituted, as well as to applicable managers/heads/deans. ▪ Immediately notify the Academic and Facilities Access Coordinator of any issues arising regarding disability accommodations that have been put in place.

Managers /Heads/Deans**Disability & Reasonable Accommodation Panel****Staff Wellness Department/
Staff Assistance programme**

- Immediately notify the appropriate HR manager or the Academic and Facilities Access Coordinator of any disability accommodation request received from an employee or applicant.
- Give input into the consultative process to determine the most suitable reasonable accommodation and/or any unjustifiable hardship that may arise.
- Implement reasonable accommodations as determined and recommended by the Disability & Reasonable Accommodation Panel.
- Preserve the confidentiality of the employee who requested the disability accommodation.
- Review requests for disability accommodations with due regard for the Employment Equity Act, 1998 (as amended) and the Wits Policy on the Employment of Persons with Disabilities.
- Request and/or review medical verification in support of requests.
- Provide guidance, advice and support to the University community relating to the implementation of this Guideline & Procedure and supporting or related documentation.
- Make determinations regarding appropriate and reasonable accommodations for employees and applicants with disabilities with due regard for any unjustifiable hardship it may cause the University.
- Provide written notifications of its recommendations and determinations to the employee/applicant, HR manager and relevant manager/Head/Dean.
- Coordinate accommodation efforts with the Employee Relations Unit, where required.
- Liaise with the relevant University bodies on issues such as short- and long-term disability benefits, workers' compensation and return to work procedures.
- Monitor the use of the "unjustifiable hardship" defence within the University to ensure consistency and fair treatment.
- Refer employees with disabilities with accommodation requests/concerns to the Academic and Facilities Access Coordinator.
- Provide confidential counselling to employees with disabilities and staff who need assistance in resolving workplace concerns.

12. PROCESS

Steps	Activities
Requesting Accommodation	<p>An employee or applicant with a disability is responsible for requesting a reasonable accommodation in terms of the Employment Equity Act, 1998 (as amended) by:</p> <ol style="list-style-type: none"> 1. Completing the Request for Reasonable Accommodation Form available from the Academic and Facilities Access Coordinator and Disability Rights Unit website. Submitting the completed form and supporting medical documentation to the Disability Rights Unit.
Discussion	<p>Following receipt of the necessary documentation the Academic and Facilities Access Coordinator will meet with the employee/applicant concerned to briefly discuss the application. During the meeting the Coordinator will acknowledge the request and explain the university's accommodation process. After this meeting, he/she will notify the associated HR manager/consultant and manager/Head/Dean of the request received.</p>
Verification and documentation	<p>It is the responsibility of the employee to provide requested medical documentation regarding the request for accommodation. The documentation is required for purposes of verification and analysis of the request and may vary depending on the nature and extent of the disability and the related accommodation requested. During the meeting mentioned above such documentation may be required and a consent form to liaise with the treating doctor/specialist obtained.</p>
Analysis of the Request	<p>Once all documentation has been received the Disability & Reasonable Accommodation Panel will convene to evaluate the request using legal guidelines and University policies.</p> <p>Confirm disability status: The Panel must confirm whether the person is a person with a disability as defined in the EE Act in accordance with the legal definition and the Wits Guideline & Procedure on the Definition of Persons with Disabilities and Disclosure of Status.</p> <p>Barriers: The Panel must consider whether there are any barriers in the environment, including ones related to attitudes and the physical environment, which can disadvantage the person and which need to be addressed.</p> <p>Medical information: In some cases it may be necessary to discuss the issue with the employee's licensed medical practitioner. If necessary, the Panel may request a second professional opinion for purposes related to the request for accommodation. In the event that a second independent opinion is deemed necessary to effectively respond to the request for accommodation, including issues concerning the nature or impact of a request for accommodation, a relevant specialist may be contracted by the Panel. The associated unit/department/faculty will bear the costs incurred in this regard. Alternatively, the Disability Rights Unit will make funds available.</p> <p>Analysis of the Job: As part of the evaluation process the Panel will consider the following:</p> <ol style="list-style-type: none"> 1. Essential functions or core duties of the incumbent's position / position for which being considered (as provided by the relevant manager/Head/Dean in conjunction with the HR manager). 2. Duties of prior and/or current employees in that same job/position; 3. Associated personnel file (as provided by HR manager); 4. How the request may affect the performance of the essential functions/core duties;

<p>Funding</p> <p>Notification of a reasonable accommodation</p> <p>Implementation</p> <p>Resolving disagreements</p>	<p>5. Potential issues posed.</p> <p>Case by case basis: Reasonable accommodation is determined on a case by case basis. The Panel follows an individualised assessment of each request for accommodation. To provide effective service, the Panel may liaise or consult with other associated offices with regard to work-related requests for consideration. Factors considered in the assessment process include, but are not limited to:</p> <ol style="list-style-type: none"> 1. The nature of the accommodation measures requested; 2. Duration of the measures; 3. Alternative accommodation; 4. Financial costs and funding of the requested accommodation; 5. Employee performance, effectiveness and efficiency issues; 6. Health and safety considerations; 7. Potential impact on fellow employees; 8. Related factors. <p>The Panel when debating the request will call the employee to a meeting to discuss the merits of his/her request and to consult on the matter. A telephonic conversation may suffice in case of an applicant for employment.</p> <p>If the request is deemed appropriate and reasonable funds will be made available from the Reasonable Accommodation Fund.</p> <p>The Panel will, through the Academic and Facilities Access Coordinator, provide written notification of its recommendations and determination to the employee/applicant, associated manager/Head/Dean and the HR manager preferably within 15 working days of receipt of the completed form and related documentation. The written notification will include an expected date of implementation for the approved reasonable accommodation.</p> <p>On receipt of the notification, the HR manager of the relevant unit/department/faculty will take the necessary steps to assist the manager/Head/Dean to ensure implementation of the approved reasonable accommodation measure.</p> <p>Any queries regarding a notification received will be addressed with the Academic and Facilities Access Coordinator.</p> <p>Informal process: In the event that an employee/applicant disagrees with the determination of the Panel, he/she may contact the Wits Employee Relations Unit to try and facilitate an amicable conclusion.</p> <p>Formal process: An employee may institute a formal grievance process should he/she be dissatisfied with the outcome of his/her request for reasonable accommodation.</p> <p>Employer concerns: A manager/Head/Dean who has a concern about the determination of the panel, must try and resolve it with the Panel. If no resolution is reached the matter should be discussed with the Head of HR.</p>
---	--

13. OBLIGATIONS OF THE PERSON REQUIRING ACCOMMODATION

When an employee/applicant needs accommodation, that individual is responsible for:

- 1) Providing reasonable advance notice to his or her Manager/Head/Dean or HR manager (as applicable) of the need for an accommodation, if this is not apparent and the exact nature of the need.
- 2) Providing enough relevant documentation including medical reports or other materials as are required to verify the need for accommodation and for identifying his or her specific accommodation needs.
- 3) Cooperating in searching for and implementing a reasonable accommodation, including the making of suggestions and recommendations to meet their needs.
- 4) The ultimate solution may be a compromise between the employer and employee. The accommodation decided on may not be exactly as envisaged by the employee as long as it is effective and functional and achieves the objective.

14. OWNERSHIP

- 14.1. Assistive devices and equipment will remain the property of Wits for the duration of the employment of the person being accommodated.
- 14.2. The employee is obliged to take reasonable care of the equipment/devices and to safeguard it.
- 14.3. On termination of employment, the parties can agree that the person with the disability can purchase the equipment or device.

15. SUPPORTING DOCUMENTS

- Employment Equity Act, 1998;
- Code of Good Practice on Persons with Disabilities in the Workplace;
- Technical Assistance Guidelines on the Employment of People with Disabilities.

16. FUNDING

- 16.1. Funding, for example, the costs to purchase equipment and supplies required to provide reasonable accommodation to employees/applicants, will be made available by the Disability Rights Unit through the Reasonable Accommodation Fund.
- 16.2. All Departments, Schools, Faculties and Divisions will be required to progressively integrate Reasonable Accommodation into their budgeting processes.

17. DISPUTES

The Wits Grievance Procedure sets out a grievance process, by which any employee who believes that he or she has been discriminated against, may seek resolution. Those resolution procedures are equally available to employees who believe that they were entitled to and have been denied reasonable accommodation.

18. CONTACTS

Queries relating to this Guideline & Procedure can be addressed to the Academic and Facilities Access Coordinator, Disability Rights Unit

19. CONCLUSION

The primary aim of this guideline is to provide equal opportunities to all and to value the diversity of the University's workforce. Reasonable accommodation measures implemented must assist in ensuring entry into Wits, retention of diverse people, progression and advancement within the University as well as increased productivity and sustainability.

8.3. ANNEXURE C - Guidelines & Procedure on Recruitment and Selection of Persons with Disabilities

1. PREAMBLE

The University of Witwatersrand (Wits) recognises that persons with disabilities have been historically marginalized in South Africa and that it is imperative that higher education and Wits specifically puts measures in place to redress the inequalities and disadvantages created by prejudice and discrimination. In recognising the commitment of Wits to persons with disabilities as stated in its Disability Equity Policy for Staff (hereafter called the Disability Policy) and recognising the under-representation of persons with disabilities in its workforce, this Guideline & Procedure serves as an instrument to establish fair recruitment practices that will secure the best talent and will assist Wits in achieving its employment equity goals for persons with disabilities.

2. PURPOSE

This document forms an addendum to the Disability Policy and must be read in conjunction with it. This Guideline & Procedure clarifies the legal rights and obligations of Wits with respect to the recruitment and selection of persons with disabilities.

3. APPLICATION

This Guideline & Procedure applies to all job applicants (internal and external) with disabilities. Such disabilities must be self-evident or must be disclosed on a voluntary basis to Wits in order for the person to benefit from this Guideline & Procedure. All departments and Faculties within Wits are bound by its provisions.

4. DEFINITIONS

The terms used in this Guideline & Procedure have the meaning ascribed to them in the Disability Policy. These definitions are taken from applicable employment equity legislation.

PART A – GUIDELINES

The following guidelines apply during the recruitment and selection process:

5. GENERAL

- a. All role players including HR, line managers, fellow employees and Panel members will be trained on disability issues in order to become disability competent and confident. This will ensure fair recruitment and selection processes and integration of persons with disabilities once appointed.
- b. All communications throughout the recruitment and selection process will be made available in accessible format as far as reasonably possible, as and when the need arises and is communicated to Wits (e.g. Braille, large print, audio, electronic etc.).
- c. The standard recruitment and selection process may need to be altered to accommodate reasonable accommodation needs of applicants with disabilities.

- d. Equal opportunities to compete will be applied to internal and external candidates and due processes followed.
- e. Wits will look equally at sourcing students with disabilities from the student population as employees and will apply current entry and retention practices to this target group. The Disability Rights Unit by nature of the services it renders to students with disabilities should play a key role in the distribution of accessible information to students with disabilities on employment opportunities at Wits.
- f. Wits will consider its employment equity targets for persons with disabilities and the numerical goals to be achieved. Persons with disabilities are part of the “designated groups” in terms of the Employment Equity Act and must receive preferential treatment in the selection process. This principle of “affirmative action” will only be applied after the candidate’s suitability has been determined.
- g. Accurate records must be kept of the entire recruitment and selection process in order for Wits to be in a position to justify the outcome, should it be challenged.

6. JOB PROFILING

- a. Wits will not assume that certain jobs suit certain disabilities (e.g. wheelchair users with desk functions or Blind persons with switchboard operating). Each person with a disability will be treated as a unique individual and on a case by case basis.
- b. When reviewing or compiling a job profile a differentiation will be drawn between the essential and non-essential functions of the job. Essential functions are the purposes for which the job exists and must be performed. Non-essential functions are peripheral duties and can be swapped for other duties should this be a reasonable accommodation consideration. Selection must be based on the ability or potential to perform the essential functions of a job.
- c. A differentiation is also made between inherent and non-inherent requirements of the job. The focus is on the competencies possessed by the candidate necessary to successfully execute the inherent tasks and achieve the outputs.
- d. Wits will not use physical capability as a competency as it typically applies to process and not output (i.e. end results). An employee with a disability may use a different process/methodology etc. as a reasonable accommodation to execute the tasks but arrive at the same required end result.

7. ADVERTISING

- a. When advertising appropriate language will be used that is neutral and positive and which portrays an impression that Wits is disability competent.
- b. Statements in adverts such as “we welcome applicants with disabilities” or “persons with disabilities are also invited to apply” or “we recruit persons with disabilities on their abilities” will be used. This wording indicates the recruitment process is inclusive in nature.
- c. Wits will ensure that the methods by which it advertises are accessible to candidates with different disabilities and that multiple sources and selection networks are used.

8. SOURCING

- 8.1. Wits will use a multi-pronged approach where different forms of sourcing are used:
- 8.2. Printed adverts will not only be placed in local and national newspapers but also in disability specific publications;
- 8.3. Audio medium will be used for persons who are print disabled. Community, local and national radio stations in local languages have a wide reach within the disability community;
- 8.4. Electronic medium will be used as it is increasingly accessible to persons with different disabilities e.g. Internet and cell phone technology;
- 8.5. Social media platforms like Facebook, LinkedIn etc. that have disability specific networks will be used;
- 8.6. Wits will network with Disabled Persons' Organisations (DPOs), other academic institutions, and special schools for learners with disabilities;
- 8.7. Wits will host and participate in employment events such as disability career expos, recruitment and trade fairs as well as disability conferences and exhibitions.
- 8.8. Wits will cultivate its own disability talent pool by providing opportunities to work experience through in-service, internship, learnerships and bursary programmes.
- 8.9. Wits will use reputable recruitment agencies that specialise in disability placements and will acquaint them with the Disability Policy and this Guideline & Procedure.
- 8.10. The Search Committee method will be used in parallel under certain circumstances to head hunt and source persons with disabilities that possess unique and scarce skills required by Wits as per the Wits Recruitment Policy.

9. SHORTLISTING

- 9.1. A candidate's disability should not be used as a basis to determine suitability for the job when shortlisting. The focus will be on the competencies required to meet the job demands, i.e. on inherent requirements and essential functions when shortlisting. The focus should be on what the candidate can do.
- 9.2. Wits will assess the candidate's suitability against the minimum criteria to perform the function and the potential to develop and grow in the job as per employment equity requirements. A developmental approach will be followed.

10. INTERVIEWS

- 10.1. As a standard procedure Wits will inquire as to whether any reasonable accommodation or special need requires to be addressed during the interview process. This information should be sought from all candidates regardless of whether a candidate has disclosed a disability or not.
- 10.2. The entire process must accommodate any needs in consultation with the applicant with the disability (e.g. parking, building entry and exit, interview room, attitude of support staff, toilet facilities, waiting area, access to information, site tours, assessments etc.).

- 10.3. The interview process is divided into two phases. The first phase is purely to establish the competencies of the candidate to perform or potentially perform the inherent requirements of the job.
- 10.4. Panel members should be cautious not to be condescending, patronising, sympathetic, awkward, or curious in their reactions and responses.
- 10.5. Panel members should be consistent and ask the same questions to candidates with and without disabilities. Questions should be related to the job and represent valid employment issues.
- 10.6. It is within Wits' right to ask questions about the disability only so far as it relates to the job e.g. the impact of the disability on carrying out the function. Questions on reasonable accommodations may be asked only to the extent that one can identify the nature of the accommodations and their relevance to executing the job. Panel members should avoid discussing costs, affordability, budget and the like at that time.
- 10.7. All forms of assessments used to test competency and work performance will be applied fairly to applicants with disabilities with due cognisance to reasonable accommodation needs and fairness in the test identification, administration and interpretation.
- 10.8. The purpose of the interview and assessment methodologies should be to determine whether or not an applicant is suitably qualified for the job in question.

Suitably qualified means a person who is qualified to perform a job as a result of any one of or any combination of that person's formal qualifications, prior learning, relevant experience, and/or capacity to acquire within a reasonable time the ability to do the job. Potential means the inherent capacity to acquire the necessary skills and knowledge to perform the functions of a position with a minimum of additional development and training within a reasonable time period.

- 10.9. Should the candidate with a disability be successful and is selected, then a provisional job offer can be made subject to the condition of the determination of the "reasonableness" of the accommodation required, if need be. An offer must be made on same or similar terms enjoyed by non-disabled employees.
- 10.10. The second phase of the interview is the reasonable accommodation assessment process. This must be conducted in consultation with the candidate with the disability. The process could include a functional assessment, identification of accommodations e.g. environmental access, technology, work process etc. Factors such as the effect on staff and productivity, affordability, health and safety all determine the "reasonableness" of an accommodation and whether these will cause "unjustifiable hardship" for Wits. Refer to the Reasonable Accommodation Guidelines & Procedure for details.
- 10.11. Should it be necessary to conduct medical testing, this should only be done with the expressed consent of the candidate with a disability.
- 10.12. Should the results of the functional assessment demonstrate that the candidate can successfully meet the inherent requirements of the job and that the accommodations are "reasonable" with no "hardship" incurred by Wits then the job offer should be finalised. Alternatively, should the candidate not be successful in meeting the criteria of the assessment or test or should Wits be of the opinion that the provision of a required accommodation would cause undue hardship the conditional offer may be revoked

11. INDUCTION AND INTEGRATION

- 11.1. Wits should ensure that the appointee with a disability participates fully in all aspects of the Wits induction programme and receives information in an accessible format.
- 11.2. Wits will ensure that the Wits Policy transformation principles are included in the generic induction programme content for all new appointees.
- 11.3. As part of the work place orientation it may be beneficial to assign an “induction buddy” from fellow employees who will support the employee’s adjustment to the Wits environment.
- 11.4. Any reasonable accommodation that has been identified for the employee should be expediently introduced into the work place so that the employee becomes fully functional and productive as soon as possible to avoid negative perceptions on the side of both the employee with the disability and fellow employees.
- 11.5. Coaching and mentorship may support the effective integration and performance of the employee with the disability following appointment.
- 11.6. The employee with the disability will be advised and orientated during the induction process on emergency/ evacuation/ health and safety procedures.
- 11.7. Wits will assess the employee’s development needs soon after their appointment and will formulate a development plan. This intervention is especially necessary when the employee was selected on the basis of their potential to perform the job.

PART B – PROCEDURE

12. RESPONSIBILITIES

Person	Responsibilities
Applicant with a disability	<ul style="list-style-type: none"> ▪ ▪ Voluntarily discloses disability status when not self-evident. ▪ Inform the HR manager responsible for the recruitment process to request the necessary disability-related accommodation to enable equal participation in the selection process. ▪ Inform the Selection Panel of the need reasonable accommodation in the workplace once a conditional job offer has been made. Provide consent and medical information to support requests for reasonable accommodation.
HR Manager	<ul style="list-style-type: none"> ▪ Participate in the functional assessment process, if any. ▪ Manage and implement the entire recruitment and selection process taking cognisance of the Wits Policy on Recruitment read together with this Procedure to ensure fair practice and legal compliance. ▪ Liaise with applicants on applicable processes for disclosure of disability status and requests for accommodations. ▪ Refer requests for accommodations to the Academic and Facilities Access Coordinator. ▪ Keep written records of all procedures.

Academic and Facilities Access Coordinator

Disability & Reasonable Accommodation Panel

Employee Relations Unit

- Make HR aware of vacancies/new roles that must be filled.
- Participate with HR in finalising the requirements and competencies required for a position
- Participate in the Selection Panel and decision making process
- Assist in the induction and integration of the person into the workplace
- Comply with this Guideline & Procedure
- Give input into the consultative process to determine whether possible to reasonable accommodate and/or whether any unjustifiable hardship may arise.
- Support the University in meeting its numerical goals and targets set for the recruitment of persons with disabilities.
- Create a conducive interview setting that supports fair assessment of all candidates including applicants with a disability
- Make an impartial and substantiated decision on the most suitable candidate for the job.
- Determine reasonable accommodation needs and together with the Wits Disability & Reasonable Accommodation Panel decide on the provision of accommodation measures
- Prefer candidates in line with the Wits numerical goals and targets
- Provide consultative services, advice and guidance to the university community with regard to the Disability Policy and its respective Procedures & Guidelines.
- Administer all employment-related requests from applicants for employment for disability accommodations.
- Act as resource for obtaining technical and assistive equipment with regard to work-related reasonable accommodations and provide information on funding options.
- Review requests for disability accommodations with due regard for the Employment Equity Act, 1998 (as amended) and the relevant policies and guidelines.
- Request and/or review medical verification in support of requests.
- Identify and consult with relevant experts and/or service providers during the selection process, where necessary.
- Make determinations regarding appropriate and reasonable accommodations for applicants with disabilities with due regard for any unjustifiable hardship it may cause the University.
- Provide written notifications of its recommendations and determinations to the HR Manager and Selection Panel.
- Monitor the use of the “unjustifiable hardship” defence within the University to ensure consistency and fair treatment of all applicants for employment.
- Investigate complaints or grievances arising out of the

Occupational Health & Safety	<ul style="list-style-type: none">recruitment and selection process.▪ Advise and orientate the employee during the induction process on emergency/ evacuation/health and safety procedures.
---	--

13. PROCESS

Steps	Activities
PRE-SELECTION PHASE	
Reviewing the Job Profile	The HR manager together with the applicable Dean/Head review and/or compile a job profile for a specific post by identifying the inherent requirements and essential functions of the job. They will ensure that the job profile does not unfairly prejudice a person with a disability from applying.
Advertising	HR drafts an advertisement that is clear and precise and stipulates key applicable information. In compiling the advertisement HR will use positive wording and appropriate language. When advertising HR ensures that an accessible methodology is used in order to reach and target persons with different types of disabilities. Internal and external advertising will occur as per the standard Wits Recruitment Policy.
Sourcing	HR uses a multi-pronged approach to sourcing such as specialist recruitment agencies, career expos, networking with DPOs and other tertiary institutions, electronic and social media, print and audio media. Where relevant the Wits Search Committee method will be used in parallel.
Completion of job application form	HR ensures that the standard job application form is provided to all applicants in an accessible format. The wording in the application must be positive, sensitive and encourage disclosure of disability status.
Short listing	HR together with the relevant Dean/Head short-lists candidates to be invited for interviews. The team will ensure that the short-listing is based on matching the candidates' abilities to the function and not the disability to the job.
Scheduling the interview	HR schedules interviews with the persons shortlisted and will inquire (as a standard procedure) as to whether any reasonable accommodation or special need requires to be addressed during the interview process. This information is sought from all candidates regardless of whether a candidate has disclosed a disability or not.
SELECTION PHASE	
Conducting the interview	When interviewing the Selection Panel establishes the competencies of the candidate to perform or potentially perform the job. When deciding on whether or not the person meets the inherent requirements of the job, the Panel will consider knowledge, experience, prior learning and/or the potential of the person to perform the job.
Conducting assessments (optional)	Psychometric and competency based assessments are conducted, as required. HR will use assessment instruments and procedures that are accessible and do not prejudice the effective performance of applicants with disabilities.
Other checks and verifications	Standard checks and verifications as per the Wits Recruitment Policy will be performed.
Making a conditional job offer	Based on the combined information received from the interview data, assessment reports and checks as above the Selection Panel decides who the suitably qualified individual is to whom they want to make an offer of employment. Should a candidate with a disability be considered for the position, a conditional job offer should be made.

Assessing reasonable accommodation needs	The Selection Panel considers reasonable accommodation needs of the person with the disability. The process could include a functional assessment, identification of accommodations e.g. environmental access, technology, work process etc. The Panel will consider the effect on staff and productivity, affordability, health and safety considerations and the like all of which determines the "reasonableness" of any accommodation needs and whether these will cause any "unjustifiable hardship" for Wits. The Wits Disability & Reasonable Accommodation Panel is consulted. Refer to the Wits Reasonable Accommodation Guidelines for detailed procedures.
Finalising job offer	A job offer is finalised and confirmed with the applicant with a disability based on the outcome of the above. Alternatively, the job offer is withdrawn should Wits be of the opinion that the accommodation need is "unreasonable" or will cause it "unjustifiable hardship".
Post-selection phase	
Induction and integration	The newly appointed employee with a disability is welcomed into Wits and appropriate interventions to support integration and performance implemented.
Implementing reasonable accommodation measures, as required	Any reasonable accommodation that has been identified for the employee is expediently introduced into the work place so that the employee becomes fully functional and productive as soon as possible.

14. STUDENTS WITH DISABILITIES

Wits will integrate students with disabilities into its existing practices to source employees from its student population:

- 14.1. Access Routes to Employment for Wits Students with Disabilities: Wits will use multiple routes to attract its students to its workforce and utilise their talent to maintain its position as a leader of higher education institutions. Wits will use these employment routes to equally attract students with disabilities and will apply reasonable accommodation measures that ensure equal access and a fair barrier free process.
- 14.2. Retention of Post Graduate Students: Departments and Schools will inform post graduate students with disabilities of relevant vacancies that arise in their Departments or Schools either by direct communication or using appropriate accessible reading formats. Such students should be encouraged to apply accordingly.
- 14.3. Temporary Jobs: In the existing practice by the University to offer part time entry level fixed term jobs to students in general, Wits will ensure that students with disabilities are equally informed and are encouraged to apply for these opportunities.
- 14.4. Bursary Students: In the existing practice by the Bursary Department to compile a list of jobs and circulate it amongst bursary holders, the Department will ensure that this information is equally communicated by accessible methods to students with disabilities that are also bursary holders. Part of the objective of this initiative is to support bursary holders with a means to earn additional money and with a means to pay back bursary

loans. This initiative is particularly relevant to students with disabilities as the majority are bursary holders and either government or corporate funded.

15. CONTACT

Queries relating to this Guideline & Procedure can be addressed to the Academic and Facilities Access Coordinator or Head of the Disability Rights Unit.

16. CONCLUSION

This Guideline & Procedure demonstrates the commitment of Wits to following an equal opportunity and non-discriminatory approach to recruiting persons with disabilities and transforming its workforce. Applying this procedure as contained herein will ensure that Wits will appropriately attract, retain and benefit from the talents of persons with disabilities.

8.4. ANNEXURE D - Guideline & Procedure on Disability and Incapacity Management

1. PREAMBLE

The University of the Witwatersrand (Wits) believes that employees with disabilities can make a significant contribution to the workplace if disability related issues are appropriately managed. Wits believes that it can gain from the retention of experienced employees who become disabled whilst in its employment or where a known disability progressively reduces an employee's ability to work. Savings can be made in terms of health costs, insurance payments and time lost if an effective disability management strategy is in place.

2. PURPOSE

This document forms an addendum to the Wits Policy on the Employment of Persons with Disabilities and must be read in conjunction with it. This Guideline & Procedure clarifies the legal rights and obligations of Wits and its employees with respect to managing (dis)ability in the workplace, retaining employees with disabilities as far as reasonably possible and the process that needs to be embarked upon in case of the potential incapacity of an employee.

3. APPLICATION

This Guideline & Procedure applies to all employees with disabilities as well as employees potentially incapacitated due to disability. All Departments and Faculties of Wits are bound by its provisions.

4. DEFINITIONS

The terms used in this Guideline & Procedure have the meaning ascribed to them in the Wits Policy on the Employment of Persons with Disabilities. These definitions are taken from applicable employment equity legislation. Additional terms used in this Guideline & Procedure have the following meaning:

- A. **"Disability management"** refers to a process in the workplace designed to facilitate the employment of persons with a disability through a coordinated effort addressing individual needs, the work environment, Wits' organisational needs and its legal responsibilities.
- B. **"Employee assistance programme"** means a programme that offers assistance to employees and frequently also to their family members, with problems liable to cause personal distress (such as family, marital and financial matters), which affect or could eventually affect their job productivity.
- C. **"Functional work assessment"** – the process by which Wits investigates and determines whether an employee is temporarily or permanently unable to work.
- D. **"Incapacity due to illness/injury/disability"** refers to the inability of the employee to perform their job due to a medical reason.
- E. **"Incapacity management"** refers to a legally compliant process in the workplace designed to address the inability of an employee to perform their job because of ill

health/injury/disability by looking for reasonable accommodation measures, failing which, the process could result in the termination of their services.

- F. “**Job retention**” means that the employee remains with Wits, with the same or different duties or conditions of employment, and includes the employee’s return to work after a period of paid or unpaid leave.
- G. “**Return to work programme**” refers to the process by which an employee is supported in resuming work after an absence due to injury or illness.
- H. “**Vocational rehabilitation**” refers to a process (which might include training or retraining) which enables a person with a disability to secure, retain and/or advance in suitable employment and thereby furthers their integration or reintegration into the workplace and broader society.

PART A - GUIDELINES

1. PERFORMANCE MANAGEMENT

- 1.1. Wits’ systems and practices used to evaluate and reward work performance will clearly identify performance indicators, will fairly measure and will reward performance in relation to the essential functions of the job the employee with a disability performs.

2. DISABILITY VS INCAPACITY

- 2.1. Disability in this context refers to a person with a disability as defined in the Employment Equity Act, 1998 (EE Act) meaning a person who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment. The person is able to perform the inherent requirements of a particular job with or without reasonable accommodation measures being put in place, as applicable.
- 2.2. Incapacity on the other hand implies an inability on the side of the employee to perform. Incapacity due to ill health or injury could constitute a valid ground for terminating an employee’s services. Schedule 8 of the Labour Relations Act, 1998 (LR Act) sets out the consultative process which the employer must embark upon determining, amongst other, the period and nature of the incapacity, the prognosis, the extent to which performance is possible, how it can be accommodated and the availability of other suitable positions. It differentiates between situations of temporary and permanent incapacity.
- 2.3. It is important to understand that incapacity and disability are not synonyms. In some cases a person with a disability could also be incapacitated and vice versa. Schedule 8 is about fairness in the dismissal process of incapacitated employees. The EE Act and its supporting Disability Code is about employing and retaining people with disabilities. It thus also protects employees with disabilities from unfair dismissal practices if the employer cannot show that it has exhausted all other reasonable possibilities.
- 2.4. Deciding which applies depends on an assessment of the effect of the person’s impairment on their ability to perform the inherent requirements of the job that the person occupies.
- 2.5. The Schedule on Dismissal must be read together with the Code on Disability. Where the employee in question qualifies as a person with a disability the duty to accommodate is more onerous.

- 2.6. Wits must arrive at a decision after proper consideration of the findings and conclusions of suitably qualified practitioners registered with the HSPCA.

3. RETENTION & ABILITY MANAGEMENT

- 3.1. Wits will establish specific policies and practices that will promote retention as an affirmative action measure, reduce the costs of absence and illness, lower workman's compensation premiums, integrate all processes more effectively, enhance employee productivity and reduce financial loss to itself and the employee concerned.
- 3.2. Where existing employees acquire a disability while in the employment of Wits, it can continue to benefit from their accumulated expertise and experience by taking steps to enable them to retain their employment. When managing newly acquired disabilities Wits will thus ensure that the following principles are complied with, namely:
- 3.2.1. re-integrating employees who become disabled into work where reasonable;
- 3.2.2. consulting with employees who become disabled to assess if the disability can be reasonably accommodated;
- 3.2.3. Early return-to-work measures to be able to bring the employee back to work as soon as possible, to promote employee employment security and to reduce the costs of sick leave.
- 3.2.4. Where a known disability progressively reduces an employee's ability to work, Wits will consult with the employee with the disability to assess if any additional or amended reasonable accommodation measures can promote job retention.
- 3.3. Reasonable accommodation must be considered in both cases and includes any change or modification made to an employment, standard, policy, practice, job or the working environment which enables a person with a disability to enjoy equal opportunities with others and to have access to or to participate or advance in employment. The type of reasonable accommodation required would depend on the job and its essential functions, the work environment and the person's specific need. It requires only that a "reasonable" accommodation be made and only to the point of "unjustifiable hardship".
- 3.4. The Wits Guideline & Procedure on Reasonable Accommodation sets out details around possible accommodation and the extent of the duty of Wits to accommodate. It must be read in conjunction with this document.
- 3.5. When an employee acquires a disability, Wits will ensure that accommodation measures are fully considered in order to utilize the residual potential and skills of that employee before other steps are taken. These measures aim to maximize opportunities for people with disabilities to retain their employment, and to resume work speedily following an accident, injury, disease, changed capacity or disabling condition.
- 3.6. In seeking to facilitate job retention or return to work by a disabled employee, the operational requirements of Wits must be considered at all times.

4. PRACTICAL EXAMPLES

- 4.1. Practices that support the retention of an employee in service which Wits may consider include the following:
- 4.1.1. Early intervention and referral to appropriate services;
- 4.1.2. Vocational rehabilitation,

- 4.1.3. Transitional work programmes which provides for measures for a gradual resumption of work;
- 4.1.4. Extended leave of absence (paid or unpaid);
- 4.1.5. Temporary or permanent flexible working time;
- 4.1.6. Offering alternative work if reasonable;
- 4.1.7. Reduced work or flexible work placement;
- 4.1.8. Reasonable opportunities for employees with disabilities to test work or obtain experience in an alternative job if they are unable to resume their previous jobs before making a final decision on their retention or otherwise;
- 4.1.9. Training or retraining for the person concerned;
- 4.1.10. The provision of relevant information to managers and co-employees with due consideration of privacy issues to assist with the employee with the disabilities integration or re-integration;
- 4.1.11. The use of assistive devices and equipment;
- 4.1.12. Access to other support services and counselling as appropriate;
- 4.1.13. Modifications or alternative options in the procedures needed to perform a job so that any existing condition is not exacerbated;
- 4.1.14. Performance requirements for a particular job may need to be reviewed.

5. THE WITS DISABILITY & REASONABLE ACCOMMODATION PANEL

- 5.1. The Wits Disability & Reasonable Accommodation Panel is established in terms of the Wits Guideline & Procedure on Reasonable Accommodation. The Panel has two core functions, namely
 - 5.1.1. To verify a disclosure of disability status against the statutory workplace definition;
 - 5.1.2. To make recommendations and determinations on reasonable accommodation requests received from persons with disabilities.
- 5.2. Line management and the ER Unit, when managing disability issues in the workplace and when dealing with possible cases of incapacity must liaise with this Panel in order to get their advice and input on possible retention measures that can be considered and put into place.
- 5.3. No reasonable accommodation measure should be put in place without the knowledge and consent of the said Panel.

6. INCAPACITY RELATED EMPLOYMENT TERMINATION

- 6.1. Circumstances may arise in the workplace where the possible incapacity of an employee becomes apparent. This may include injury within or outside of the workplace, extended absence, patterns of sick leave emerging, self-identification and the like.

- 6.2. If Wits is unable to retain an employee with a disability in line with the EE Act and Disability Code, the employee's services may be terminated following a fair procedure and for a substantively fair reason.
- 6.3. The University will not dismiss merely on the basis of a disability, and a disability *per se* should not determine retrenchment decisions.
- 6.4. Incapacity - be it mental or physical or sensory in nature or a combination thereof - may result due to various factors, including injury on duty, terminal disease, accidents, chronic or progressive disorders and the like.
- 6.5. Wits will enter into a process of consultation with the affected employee in order to determine the nature of the circumstances and appropriate corrective actions to be taken as set out below.
- 6.6. When consulting Wits will distinguish between cases of temporary and permanent incapacity. Incapacity relates to the inability of an employee to perform his/her work based on some medical impairment/condition. Temporary incapacity implies it being short in duration and that the employee will recover and in time be able to perform the inherent function of the job as before. Permanent incapacity implies that the impairment/condition is permanent in nature.
- 6.7. Incapacity may vary between partial and total incapacity. Medical assessments will be required to determine the extent of the incapacity and/or loss of function, the nature, duration and prognosis.
- 6.8. In all cases Wits will investigate the extent and duration of the incapacity and determine on a factual basis whether it is possible to reasonably accommodate the incapacity and/or whether alternatives are available prior to terminating the employee's services.
- 6.9. The employee may be required to participate in functional work assessments at Wits' cost in order to determine the effect of the impairment/condition on the workplace and whether or not accommodation measures are available.
- 6.10. If no alternative measures are found in order to retain the person's services he/she may qualify for disability benefits under the employer's risk insurance scheme as set out below.
- 6.11. Services may be terminated based on incapacity whether or not the employee is paid a disability insurance benefit.

7. EMPLOYEE INSURANCE BENEFITS

- 7.1. The University offers risk insurance benefits via its retirement fund and it should ensure that incapacitated disabled employees are appropriately advised before they apply for the disability insurance benefits available and before taking any other form of departure from employment because of an impairment or medical condition.
- 7.2. An employee with a disability can remain employed unless an impairment incapacitates him/her to such a degree that it renders the employee unable to fulfil the requirements of the job, in which event a benefit application may be made.
- 7.3. Applications for disability-related income benefits are made to the benefit insurer in terms of the employer's retirement fund scheme rules.
- 7.4. Full details are contained in the Remuneration & Benefits section of the Wits HR Manual. Employees must familiarise themselves with the applicable Scheme Rules. Eligibility is

determined in accordance with such rules by the applicable insurance company and Wits cannot guarantee that any benefits will necessarily become due to any employee.

8. ABSENCE OF LEAVE

- 8.1. In case of absenteeism due to medical reasons the employee must utilise his/her normal sick leave entitlement and on exhaustion thereof annual leave or unpaid leave.
- 8.2. Wits may grant at its absolute discretion additional paid sick leave in order to complete any disability management, retention or incapacity termination procedure embarked upon.
- 8.3. Details of leave benefits are set out in the Wits Leave Policy. Any such additional paid leave is at the discretion of the Wits ER Unit. The HR Director's permission may also be required as set out in the mentioned Leave Policy.
- 8.4. Additional paid leave as a form of reasonable accommodation is subject to approval of the Wits Disability & Reasonable Accommodation Panel.

9. CONSENSUS SEEKING PROCESS

- 9.1. Any process of identifying and implementing retention measures, including reasonable accommodations, involves consultation with different role players including the person seeking the retention/ accommodation in an effort to reach a mutually acceptable solution. The same applies to consultation on possible incapacity and termination of services.
- 9.2. The employee may be assisted by a fellow employee in the consultation process if he/she so wishes.

10. CONFIDENTIALITY

- 10.1. Confidentiality is an important guiding principle in all of the above and should be adhered to at all times.
- 10.2. With their consent, any relevant information concerning a disabled person's reduced function or impaired health status should be assembled and kept by Wits in a manner that maintains confidentiality. Wits personal data protection measures should be complied with, failure of which will constitute misconduct which could lead to disciplinary action being taken against the individual concerned.

11. RESOURCES

- 11.1. Specialist medical or technical advisory services within the broader Wits community will be utilised to provide up-to-date advice and information on adjustments to the workplace or possible accommodation measures, equipment and devices. Their services will also be utilised as applicable to assess and determine a person's capacity to work.

12. SUPPORTING DOCUMENTS

- Employment Equity Act, 1998 (as amended);
- Code of Good Practice on Persons with Disabilities in the Workplace;
- Technical Assistance Guidelines on the Employment of People with Disabilities;
- Labour Relations Act, 1995 (as amended);
- Wits Policy provisions on benefits and risk insurance scheme rules;

- Wits Policy provisions or collective agreements on incapacity related employment terminations.

13. DISPUTES

- 13.1 The Wits Grievance Procedure sets out a grievance process through which an aggrieved employee can address their concerns.

PART B – DISABILITY MANAGEMENT & INCAPACITY PROCEDURES

14. RESPONSIBILITIES

The major responsibilities each party has in connection with the disability management and incapacity procedures are as follows:

Person	Responsibilities
Employee with disability	<ul style="list-style-type: none"> ▪ Liaise with line management, HR consultant, ER Unit and/or the Academic and Facilities Access Coordinator regarding management and retention issues that may arise ▪ Provide medical information, as necessary. ▪ Participate in applicable consultation processes embarked upon.
Academic and Facilities Access Coordinator	<ul style="list-style-type: none"> ▪ Provide consultative services, advice and guidance to the university community with regard to disability management interventions.
Employee Relations Unit	<ul style="list-style-type: none"> ▪ Provide consultative services, advice and assistance to the university community with regard to disability management and incapacity procedures. ▪ Liaise with the relevant University role players on issues such as retention measures, return to work procedures, workers' compensation and temporary and permanent disability benefits.
HR Manager	<ul style="list-style-type: none"> ▪ Refer matters arising to the ER Unit or the Disability Rights Unit as applicable. ▪ Provide on-going assistance to the employee and line management, as applicable.
Managers /Heads/Deans	<ul style="list-style-type: none"> ▪ Immediately notify the appropriate HR manager or the Academic and Facilities Access Coordinator or the ER Director of any disability management issues or possible incapacity cases. ▪ Give input into the consultative process to determine the

Disability & Reasonable Accommodation Panel	<p>most suitable solution.</p> <ul style="list-style-type: none"> ▪ Implement agreed remedial actions including retention measures. ▪ Review requests for disability accommodations with due regard for the Employment Equity Act, 1998 (as amended), the Wits Policy on the Employment of Persons with Disabilities as well as the Labour Relations Act, 1995 (as amended) as per the Wits Guideline & Procedure on Reasonable Accommodation. ▪ Make determinations regarding appropriate and reasonable accommodations for employees with disabilities ▪ Liaise with the relevant University role players on issues such as retention measures, return to work procedures, workers' compensation and temporary and permanent disability benefits.
--	---

15. PROCESS

Steps	Activities
Disability related issue arises	<p>Employee/line management/HR Consultant to notify the Director - ER Unit and/or the Academic and Facilities Access Coordinator, for example, of newly acquired disability, progression in known disability, absenteeism, poor performance issues and the like</p>
Embark upon consultative process	<p>The ER Unit and/or the Academic and Facilities Access Coordinator to institute an investigation and embark upon a consultative process. This includes a discussion(s) with the employee concerned.</p> <p>Parties must identify the issues of concern.</p>
Consent form	<p>A consent form for Wits to have access to medical information must be obtained from the employee, if applicable.</p>
Disability management measures identified	<p>Role players to liaise on applicable remedial actions required. This include the employee, line management, ER director/manager and EE and Disability Project Officer.</p> <p>Identify required disability management measures - including performance management, retention measures, return to work programmes and vocational rehabilitation measures, as appropriate.</p> <p>Acquire inputs from technical or specialist providers.</p> <p>Case by case basis: All measures are determined on a case by case basis and an individualised assessment is required.</p> <p>The Wits Disability & Reasonable Accommodation Panel must</p>

POLICY: [Policy on the Employment and Advancement of Persons with Disabilities]

SECRETARIAT
REGISTRY

Insurance claims, if applicable	medical incapacity. If applicable, a disability insurance benefit claim is to be lodged in accordance with the applicable retirement fund scheme rules.
Communication of outcome	Written notification of any decisions taken in any of the above consultation processes must be issued by the ER Unit. The latter is responsible for proper records to be kept of the processes embarked upon.
Implementation	Role players to implement the outcome, as appropriate, within their sphere of authority.

16. CONTACT

Queries relating to this Guideline & Procedure can be addressed to the ER Unit, Human Resource Department.

17. CONCLUSION

The aim is to manage and retain persons with disabilities in the Wits workplace. Proper disability management processes and practices will be followed in an attempt to retain employees in services as far as reasonably possible and to ensure their optimal performance in the workplace. Where an employee with a disability has become incapacitated and is unable to continue rendering services, Wits will institute an appropriate consultation procedure that may result in the termination of an employee's services based on medical incapacity. An employee may qualify for disability insurance benefits under the applicable retirement scheme rules.

VERSION HISTORY

Version	Date	Summary	Changed by
1.0	18/12/2015		Dr. A. Pretorius
2.0	09/05/2016	Disability Unit name changed to Disability Rights Unit	Dr. A. Pretorius