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## DRAFT POLICY ON PERSONS WITH DISABILITIES

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### 1. INTRODUCTION

Sekhukhune District municipality seeks to develop the policy on Persons with Disabilities as a mechanism of increasing access by the disabled to opportunities across all sectors. It further endeavours to ensure that persons with disabilities are given every opportunity to reach their full potential, both as individuals and as active citizens in our municipality. SDM also recognizes that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in the society on an equal basis with others.

Through the establishment of the disability Policy SDM wishes to express the unswerving commitment to the enlistment and improvement of the conditions of these members of our society who are disabled. The policy document represents the municipality's thinking about what it can contribute and provide to the development of persons with disabilities, their promotion, support and protection of their rights.

As an institution we believe in partnership with the disabled community and all stakeholders in the district. Therefore, the furtherance of our joint objective can only be met by the involvement of persons with disabilities themselves.

This policy document must be the product of an intensive and thorough process of consultation with all the relevant organisations of persons with disabilities and departments/units of the municipality.

## **2. ACRONYMS AND ABBREVIATIONS**

**DEAFSA** - Deaf Federation of South Africa

**DICAG** - Disabled Children Action Group

**DPO** - Disabled People Organisations

**DPSA** - Disabled People South Africa

**INDS** - Integrated National Disability Strategy

**NCPPDSA** - National Council for Persons with Physical Disability in South Africa

**NDRM**- National Disability Rights Machinery

**SADA** - South African Disability Alliance

**OSDP**- Office on the Status of Persons with Disabilities

**SAHRC**- South African Human Rights Commission

**SANCB** South African National Council for the Blind

**SASL** South African Sign Language

**SDM** - Sekhukhune District Municipality

## **3. CLASSIFICATION OF DISABILITY TERMINOLOGY**

Words reflect the way people think. SDM also reaffirms, in line with SA Constitution (Chapter 2, Bill of Rights ( that appropriate measures be adopted to foster respect for the rights and dignity of persons with disabilities. Furthermore to combat stereotypes, prejudices and harmful practices relating to persons with disabilities. Negative words and stereotypes are a barrier to understanding the reality of disability. The following terminology is therefore preferred:

**3.1 Visually impaired** – not Blind

**3.2 Deaf or Hard of hearing** – not dumb or mute

**3.3 Person with albinism** – not an albino

**3.4 Person with a disability** – not disabled

**3.5 Wheelchair user** – not wheelchair bound

**3.6 Intellectually impaired** – not mentally handicapped

#### **4. DEFINITIONS :**

**4.1 Persons with disabilities** include those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

**4.2 Communication** – includes display of text, languages, Braille, tactile communication, , large print, accessible multimedia and augmentative and alternative modes.

**4.3 Language** – includes spoken and sign language and other forms of non-spoken languages. It also includes written, plain language and audio – human reader and accessible information and communication technology.

#### **5. PREAMBLE**

The district is mindful that persons with disabilities can only speak in one voice if they participate through disability forums and other organisations for persons with disabilities. The structure for persons with disabilities is supported by the local disability framework together with the integrated National Disability Strategy 1997, UN Convention on the Rights of Persons with disabilities, White paper on the rights of persons with disabilities, etc. Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in the society. The participation of the disabled in the district must be influenced by the programmes and plans that relates to the equalization of opportunities for all persons with disabilities.

## 6. LEGISLATION

- 6.1 The Disability Framework for Local Government 2009(201):  
Stipulates that municipalities commit their full support to the disabled to find sustainable solutions to their social, economic and material challenges, and improve the quality of their lives.
- 6.2 The UN Convention on the Rights of Persons with disabilities: The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human Rights by Persons with disabilities.
- 6.3 Integrated National Disability Strategy (White paper 1997):  
Stipulates that persons with disabilities must participate on an equal basis with others.
- 6.4 Constitution of the Republic of South Africa – chapter 2 (Bill of Rights): Stipulates that disability rights are Human Rights too. Respect for inherent dignity, individual autonomy, including the freedom to make one's own choices, and independence of persons must be reaffirmed.
- 6.5 The National Development Plan (NDP) which envisages a country by 2030 which has eliminated poverty and has reduced inequality and all citizens has the capabilities to grasp the End/broadening opportunities available.
- 6.6 White Paper on the Rights of Persons with Disabilities – It offers strategic direction and operational guidance for both the public and private sector to collectively respond to, as well as prevent exclusion and discrimination against persons with disabilities.
- 6.7 Municipal Systems Act 2000, Subsection 17(b)
- 6.8 Basic conditions of Employment Act 75 of 1997
- 6.9 Employment Equity Act 55 of 1998
- 6.10 Constitution of South Africa, Act 108 of 1996.

## **7. PURPOSE AND OBJECTIVES**

- 7.1 To provide guidelines for the removal of discriminatory barriers through disability specific measures that perpetuates segregation of persons with disabilities.
- 7.2 To provide a broad outline of responsibilities and accountabilities of the various stakeholders in ensuring the provision of appropriate service delivery to persons with disabilities.
- 7.3 To provide persons with disabilities with reasonable accommodation for effective governance.
- 7.4 To promote, protect and ensure the equal enjoyment of all human rights and the fundamental freedoms by all persons with disabilities in the district.
- 7.5 To promote respect of persons with disabilities' inherent dignity at all costs.

## **8. SCOPE OF THE POLICY**

- 8.1 The scope of this policy shall apply to SDM employees with disabilities and the entire disability sector in the district.
- 8.2 It also applies to SDM employees, senior management and all departments/units of the municipality. It will operate within the jurisdiction of Sekhukhune district.

## **9. ROLES AND RESPONSIBILITIES OF SEKHUKHUNE DISTRICT**

- 9.1 The municipality will ensure that programmes that relate to persons with disabilities are funded.

- 9.2 The municipality will provide transport to persons with disabilities to events or meetings
- 9.3 Employees with disabilities will be provided with reasonable accommodation in the workplace, i.e. tools of trait that meet their needs, accessible environment or building.
- 9.4 Persons with disabilities will receive information in an accessible format, i.e. Braille, large print and sign language.
- 9.5 Training and workshops will be provided for capacity building.
- 9.6 SDM will open opportunities for employment of persons with disabilities in line with Employment Equity Act 55 of 1998.
- 9.7 SDM shall safeguard and promote the realization of the right to work, including for those who acquire disability during the course of employment, by taking appropriate steps.
- 9.8 SDM shall establish the Disability Forum which will serve as a mouthpiece of persons with disabilities in the district.

## **10. ESTABLISHMENT OF THE DISTRICT DISABILITY FORUM**

### **10.1 OBJECTIVES OF THE FORUM**

- 10.1.1 To ensure participation of all persons with disabilities in matters affecting the district
- 10.1.2 To forge relations and partnership with relevant stakeholders
- 10.1.3 To Serve as a legitimate body of representative of the disabled in all created platforms
- 10.1.4 To lobby and advocate for the implementation of disability empowerment and development.
- 10.1.5 To represent local municipalities in disability related matters

### **10.2. ELECTION CRITERIA**

- 10.2.1 The established local disability forum will forward two (2) of its members to constitute the District Disability forum. The Chairperson and

the Secretary of the local disability forum will form the district disability forum. The Forum members must be Persons with disabilities . The District Forum will be comprised of 10 members. Their positions will be as follows:

- Chairperson
- Deputy Chairperson
- Secretary
- Deputy Secretary
- Organiser
- 5 Additional members

### **10.3 Term of Office**

10.3.1 The district disability forum shall be in office for a period equivalent to the term of Municipal Council.

10.3.2 Members that cease their membership before term ends shall be replaced through co-option provided that such co-option shall be filled through voting by hands in a meeting of the District disability forum that forms a quorum of 50 plus one of the total number of the District disability forum members.

### **10.4 TERMINATION OF MEMBERSHIP**

10.4.1 The following may serve as sufficient grounds to terminate the membership of a Member:

10.4.1.1 Death and Resignation.

10.4.1.2 Proof of mental illness.

10.4.1.3 Inability to discharge duties.

10.4.1.4 Elected to position of a Councilor.

10.4.1.5 Failure to attend three consecutive meeting of district disability forum which he\she was duly invited at least 3 days before such meeting.

10.4.1.6 Proof of involvement in any criminal activity.

10.4.1.7 Any conduct that undermines and puts the disability forum in disrepute.

## **11. MONITORING AND EVALUATION**

11.1 The Sekhukhune District's Special programme Unit, as the custodian and champion of this policy will be responsible for monitoring and evaluating:

- the implementation of this Policy ; and
- the impact of the Policy on improving the lives of disable people in Sekhukhune District.

11.2 In order to produce an effective monitoring and evaluation tool, three principles are be adopted, namely

**11.2.1 Consistency:** A consistent approach must be adopted to ensure sharing services and encourage benchmarking. A baseline set of measures must be applied consistently.

**11.2.2 Transparency:** Information disclosure regarding the results, process, substantive measures when developing the system of realignment following monitoring and evaluation will be critical.

**11.2.3 Relevance:** Measurement and evaluation should bear direct relevance to the strategic objectives and priorities , i.e. there must be a good reason that can be well understood.

## **12. COMMENCEMENT DATE**



12.1 Commencement date for this policy shall be upon approval by Sekhukhune district municipal council.

### **13. POLICY REVIEW**

13.1 The policy will need to be reviewed periodically for improvement. Where it is concluded that it is not achieving the desired results, a policy review process along the same lines as the policy development process shall be undertaken and changes\ amendment made during the policy review session should be recorded. However, where it is deemed to be not necessary to review the policy, evidence leading to such decision should be recorded. The policy will be reviewed after every 3 years and will remain in force until and unless it has been withdrawn and amended by Sekhukhune district municipal council.

### **14. ENQUIRIES**

14.1 Enquiries should be directed to Special Programme Unit in the Office of the Executive Mayor, Sekhukhune District Municipality.