

UMZIMVUBU LOCAL MUNICIPALITY

DISABILITY POLICY

1. INTRODUCTION

The Umzimvubu Local Municipality supports the Right of all to enjoy equal opportunities and to participate fully in the life of the municipality.

The Umzimvubu Local Municipality recognizes that:

- The management of disability should be seen from human rights and developmental perspective and that it is not merely a health or welfare issue.
- Cultural and customary practices have subjected many to gross neglect and inequality practices within the private and public sector.
- Any disability policy has to be developed together with full involvement and participation of people with disability (“ Nothing about us without us”)
- The state has a role to play as an agent of change and transformation : and
- Empowerment of is critical to achieve equal rights and self-representation.

For this reason, all Umzimvubu Local Municipality departments/units must:

- Take into account the needs of both in the ensuring access to and in the provision of services.
- Ensure that the systems, facilities and Infrastructure that they are responsible for do not discriminate of disadvantage.
- Design policies, strategies and programmes that promote the protection and empowerment of in Umzimvubu Local Municipality.

The Umzimvubu Local Municipality approach to disability is informed and guided by the Integrated National Disability Strategy and relevant legislation and regulations such as Code of Good Practice on the management of disability in the workplace.

This approach seeks to operationalize the objectives of existing legislative and policy frameworks and builds on the numerous programmes that are initiated by the national and provincial governments and the civil society.

2. DEFINITION OF DISABILITY AND COMMON FORMS OF DISABILITIES

Disability is defined as having a physical or mental impairment and impediment, which is long term or recurring and which substantially limits one's prospects of entry into, or advancement in employment.

The most common forms of disabilities are:

- Physical disabilities: refers to damage to muscles, nerves, skin or bones that leads to difficulties in moving about, in performing activities of daily living.
- Paraplegia: a substantial loss of function in the lower part of the body.
- Quadriplegia: a substantial loss of function in all of four limbs.
- Hemiplegia: a substantial loss of function on one side of the body, often due to a stroke or as a result of epilepsy.
- Cerebral palsy: resulting from damage to the brain that causes muscle inco-ordination.
- Post Polio Paralysis: weakness in some muscles and under development of some limbs.
- Visual Disability: refers to the loss of sight and may be total or partial.
- Blind: a person might experience difficulty in moving around and knowing where things are.
- Hearing disability: hearing loss may be mild, severe or total.
- Epilepsy, Albinism
- Deaf: hearing loss usually results in difficulties in learning a spoken language, following written verbal instructions.
- Mental disability: include cognitive, psychiatric and learning disabilities as well physical head trauma. Particular attention needs to be given to the rights of people with mental disabilities to advocate for their own rights, and not always be spoken for.
- Intellectual disability: people with intellectual disabilities find it hard difficult to learn and retain new information and often to adapt to new information.
- Psychiatric disability: people living with psychiatric or mental illness often experience difficulties in perceiving or interpreting reality, coping with some aspects of daily life.
- Multiple disabilities: it means having two or more of the disabilities, for example people who have a hearing and visual disability.

3. PRINCIPLES

The following principles should underpin our approach to the management of disability in Umzimvubu Local Municipality:

- Recognize the equal rights and commit ourselves to make these rights real so that they can reach their full potential.
- Committed to eradicate discrimination against Umzimvubu Local Municipality
- Committed to ensure integrated, barrier-free and comprehensive service delivery to achieve equitable service delivery for;

- Committed to ensure universal access for so that they can attend our schools, perform in the main stream of the economy and participate in the mainstream of the community life.
- Committed to give particular emphasis to the most vulnerable groups within the disability sector and address the legacy of past discrimination.
- Committed to involve people with disabilities in the development and implementation of policies and programmes and will strive to collaborate with government and with civil society organizations.
- We are committed to mainstream disability issues in our policies and programmes;
- We are committed to a developmental approach towards the management of disability issues that empowers and does not perpetuate dependency.
- We recognize that the diverse needs of people with disabilities need to be taken care of.

Therefore we are committing ourselves to a proactive approach which includes:

- Prevention;
- Early identification of the problem
- Incorporation of people with disabilities within the mainstream of economy.
- Awareness raising about the rights of; and
- Rehabilitation programmes wherever possible.

SITUATIONAL ANALYSIS / PROBLEM STATEMENT

“ In South Africa we continue to face barriers that prevent them from enjoying their full civil, political, economic, social ,cultural and developmental rights. This is largely due to ignorance and prejudice in our society. It is also because some legislation fails to protect these rights of “

(Towards the barrier free society, SAHRC report, November 2002.)

Universal access for is the ultimate goal of the disability movement. This means the removal of all cultural, physical, social and other barriers that prevent people with disabilities from entering, using or benefiting from the various systems of society that are available to other citizens.

The SAHRC report mentioned above identified the following kinds of areas which need to be accessible to: activities, buildings, communication, education, facilities, gatherings, houses, information, jobs, kerbs , languages, news, opportunities, parking, services, transport, voting, workplaces, youth groups and zebra crossings.

CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

5.1. Constitutional Framework

The Constitution guarantees that the rights of the people with disabilities be treated equally and enjoy the same rights as all citizens as it gives the overall protection and guarantee to fundamental

human rights for all. It is therefore a constitutional principle that one may unfairly discriminate against a person on the grounds of disability. Specific mention is made in the equality clause, to guarantee the right to freedom from discrimination based on disability.

5.2. Policy and Legislative Framework

The policy and legislative parameters are framed, inter alia, by these documents:

- Constitution
- Skills Development Act (1998)
- Employment Equity Act (1998)
- Promotion of Equity and Prevention of Unfair Discrimination Act (2000)
- White Paper (Act) on an Integrated National Disability
- White Paper on the Transformation of the Public Service(1994)
- South African Schools Act
- Mental Health Act
- White Paper 6 on Special Needs Education (2001)
- Building Standards Act(1997)
- National Building Regulations and SABS 0400 Code of Practice.
- Municipal System Act(2000)
- Occupational Health and Safety Act
- IDP
- National Land Transport Transition Act as well as the Moving SA: Transport Strategy for 2020
- White Paper on Social Welfare
- Code of Good Practice on Employment of (2002)

5.3. International Instruments

The United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993) is one of the international instruments that South Africa has ratified in its commitment to design and provide services to people with disabilities.

International Labour Organization also has a Code of Good Practice in respect of disability in the workplace.

6. Challenges within Umzimvubu Local Municipality

1. Lack of capacity – there is a shortage of individual skills for people with disabilities and those serving them within the municipality.
2. Lack of social, political and economic development.
3. Lack of employment opportunities in favour of People with disabilities – few have access to information regarding employment opportunities.

4. Inaccessible buildings and public amenities.
5. Departments failure to mainstream disability issues.
5. No clear monitoring and tracking system for disability projects and programmes.
7. Procurement policies not in favor of disability sector.
8. Lack of adequate community awareness.
9. Unavailability of data on types of disability and geographic spread of.
10. Low levels of education amongst.
11. Poor integrated municipal planning to address challenges of.
12. Discrimination from families, workplace and general public against.
13. Programmes related to are not budgeted for.
14. Lack of participation by PWDs in all decision making process.
15. Noncompliance with applicable legislation.

7. Policy statements

A. Lack of capacity

1. The skills development plan should ensure that it reflects on the issues that affect people with disabilities.
2. The municipality should ensure that the disability forums are established and well capacitated.
3. Each department should at least budget 5% (SPU to verify national standards/ further investigations) for capacity building.
4. The municipality will reduce the rate of unskilled persons with disability by 2014 by 50%.
5. The Umzimvubu Municipality Skills Development Plan must be aligned with National Skills Act.
6. Ward Committees should have portfolios that deals with issues related to People with disabilities.
7. Umzimvubu Local Municipality Equity Plan should ensure that it reflects on the issues that affect people with disabilities. The SPU to do further investigation on the feasibility of this.

B. Inaccessibility and Exclusion

1. All public transport facilities should be made accessible to people with disabilities.
2. All public amenities and facilities should be made accessible to people with disabilities.
3. All physical and psychological barriers that result to direct and indirect exclusion of should be removed.

C. Mainstreaming

1. The municipality should strive for optimal involvement and inclusion of disability in all programmes and projects.
2. The PMS for individual managers and departments should include performance indicators related to enhancement of disability sector.

D. Municipal Planning

1. IDP and Budget processes should be driven by community based planning with specific emphasis on people with disabilities.
2. PWDs should be involved in all decision making structures and processes relating to planning and implementation.
3. Disability policies must be aligned with the IDP.
4. Policies of sector departments must be sensitive to issues on PWDs.

E. Monitoring and Evaluation

1. Municipal performance reporting should include reporting on progress made with regards to PWDs.

F. Procurement

1. Preferential Procurement Policies should be adopted and aligned with the intent of the disability policy.

G. Information Dissemination

1. All municipal information should be made accessible and user friendly to PWDs.
2. Public Participation Policy should cater for PWDs.

H. Statistics on the disability sector

1. The data on the population of PWDs should be collected and updated.

I. Public Participation

1. PWDs should be included in all decision making processes.

J. Remedial

1. The SPU should be adequately capacitated to deal with grievances for PWDs.

K. Budgeting

1. The municipal budget should be linked with PWDs programmes.
2. PWDs programmes must be included in the IDP.
3. The municipal budget should be responsive to the needs of PWDs.

L. Compliance with the Legislation.

1. This society should be aligned with applicable international, national and provincial policies.
2. There should be a municipality reward system to ensure that there is a positive reinforcement for Compliance.
3. The IGR Forum and its members should align their policies with this policy.

M. Employment Equity and Skills Development

Umzimvubu Local Municipality should strive to ensure at least 2% of its workforce comprise of PWDs.

To ensure that workplace is free from discrimination and that they have equal access to employment, some of the following areas of action derived from the Code of Good Practice on the Management of Disability in the work place should be observed.

- Advertising; adverts should focus on what the job requires, advertising needs to be able to reach all potential candidates including PWDs. This means advertising beyond commercial newspapers.
- Recruitment and selection: During this process the focus should be on identifying whether the person meets the inherent requirements of the job. Panel members should guard against personal attitudes and/ ignorance or presumptions that a person with a disability may not be possible to perform a particular job.
- Placement: New employees with disability should be treated equally, subject to reasonable accommodation in respect of induction, orientation and initial training.
- Training: Training for PWDs should be accelerated to improve their skills base and increase their capacity to be competent in the workplace because they have often had not had as many opportunities as others in the past.

8. Institutional Arrangement

To ensure that disability issues are taken up and our policy is implemented we need to have structures and dedicated personnel. However, the aim of these structures and the role of these individuals are not to “segregate disability issues” but to ensure they are mainstreamed in all our work.

8.1. Roles and Responsibilities

Office of the Mayor

- Provision of resources.
- Oversight
- Champion the programmes
- Review the policy

Office of the Municipal Manager

- Operational of the policy
- Implementation of the programmes

Special Programmes Unit

- Advocacy and lobbying
- Monitors and evaluate implementation
- Communication, communication and liaison
- Capacity building for CSOs

Intergovernmental Relations Forum (IGR)

- Integrate programmes across the district.
- Monitor implementation.

Management Committee

- Supports implementation of programmes
- Monitors implementation

Umzimvubu Local Municipality Disability Forum

- Provides government information to the community.
- Plays the role of watch dogs.
- Track implementation of programmes.
- Promote and protect the rights of PWDs.
- Promotes access to municipal services and public amenities.
- Collects data on disability.
- Advises and sensitize government.
- Mobilize the community on disability issues.

9. Effective data

Acronyms.

IGR	Intergovernmental Relations
PMS	Performance Management System
PWD	People with Disabilities
IDP	Integrated Development Plan
SAHRC	South African Human Rights Commission

MM	Municipal Manager
SPU	Special Programmes Unit
NGO	Non Governmental Organisation
DPO	Disabled Peoples Organisations
CSO	Civil Society Organisations