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People with disabilities: Pathways to decent work - Report of a tripartite workshop, Report of a tripartite workshop, Pretoria, South Africa, 19-21 Sep. 2006

Abstract
In recent decades, the marginalization of many people with disabilities in society has been recognized as a human rights issue, resulting largely from barriers in the social and physical environment, rather than from the individual's inability to participate. This transition from a social welfare perspective to a rights-based approach, that is, to focus on improving access to education and skills training, for example, is being reflected in legislation all over the world.

Regionally, the Declaration on Employment and Poverty in Africa1, 2004 commits African Union (AU) members to ensure equal opportunities for disabled persons by implementing the African Decade of Disabled Persons and, to that end, developing policies and national programmes that favour full participation of persons with disabilities and their families in social, political and economic development. The Plan of Action for the implementation of the commitments made in this Declaration prioritizes the targeting and empowering of vulnerable groups such as persons with disabilities, through education, skills training and entrepreneurship, among other recommended actions.

The move away from a social welfare or charity approach is reflected in ILO's Convention concerning Vocational Rehabilitation and Employment of Disabled Persons (No. 159) of 1983, now ratified by 78 countries. Convention No. 159 requires member States to develop a national policy concerning vocational rehabilitation and employment of persons with disabilities based on the principles of equality of opportunity and equal treatment, and to promote community involvement and mainstreaming where possible. South Africa has not ratified ILO Convention No. 159 in 1989, but has made progress in developing rights-based legislation concerning disabled persons with the adoption of the Persons with Disabilities Act of 1996.

In addition, impetus for a rights-based approach and full inclusion of disabled persons in society has gained momentum worldwide with the decision by the United Nations (UN) General Assembly to develop a Convention to Protect and Promote the Rights and Dignity of Persons with Disabilities. Representatives of South Africa took part in the negotiations of the new UN Convention on the Rights of Persons with Disabilities, which was formally adopted on 13 December 2006.

Given the emerging trend towards a rights-based approach to disability issues in South Africa, and the support provided to this by the AU Declaration in the broader context of Africa, it is timely to examine legal provisions concerning the training and employment of disabled persons and their implementation, and to identify steps which may be needed to improve opportunities for disabled persons seeking to acquire marketable skills, find a decent job or set up a viable business.

A workshop, 'People with disabilities: Pathways to decent work', held 19–21 September 2006 in Pretoria, South Africa, provided an opportunity to commence such a review. The workshop is linked to two ILO technical cooperation projects in South Africa. One of these projects, Promoting the

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employability and employment of people with disabilities through effective legislation, funded by the Government of Ireland, seeks to promote training and employment opportunities for disabled people by supporting selected national governments to enhance the effectiveness of existing laws and policies or to develop new laws reflecting a rights-based approach.

The second project, Strategies for skills acquisition and work for persons with disabilities in Southern Africa, funded by the Government of Flanders, aims to enhance skills acquisition by disabled persons by identifying effective strategies to provide vocational skills and real work opportunities to youth and adults with disabilities by governments, Non-Governmental Organizations (NGOs), Disabled Persons' Organizations (DPOs) and Community-Based Rehabilitation (CBR) programmes. An exploratory survey on skills acquisition by people with disabilities commissioned by the ILO was conducted in South Africa by the Human Sciences Research Council (HSRC), Disabled People South Africa (DPSA) and the Thabo Mbeki Development Trust for Disabled People (TMDTPD), as part of this project. The findings of the survey were discussed during the workshop.

Keywords
South Africa, disabilities, human rights, rights-based, opportunities, employment, rehabilitation, inclusion, disabled, skills, jobs

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International
Labour
Office

People with Disabilities: Pathways to Decent Work

REPORT OF A TRIPARTITE WORKSHOP

Pretoria, South Africa, 19-21 September 2006

Organized by the ILO Skills and Employability Department

Funded by the Government of Flanders and the Government of Ireland

FLANDERS
FITS YOU

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An Roinn Gnóthaí Eachtracha

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LIST OF ABBREVIATIONS

AU	African Union
BUSA	Business Unity South Africa
CBR	Community-Based Rehabilitation
CHAMSA	Chambers of Commerce and Industry South Africa
COSATU	Council of South African Trade Unions
DOSD	Department of Social Development
DPOs	Disabled Persons' Organizations
DPSA	Disabled People South Africa
EEA	Employment Equity Act
FEDUSA	Federation of Unions of South Africa
FEDOMA	Federation of Disability Organizations of Malawi
FIETA SETA	Forest Industries Education and Training Authority
HSRC	Human Sciences Research Council
MACOHA	Malawi Council for the Handicapped
NACTU	National Council of Trade Unions
NAD	Norwegian Association for the Disabled
NGOs	Non-Governmental Organizations
NQF	National Qualification Framework
NRVC	National Vocational Rehabilitation Centre
NSDS	National Skills Development Strategy
NSF	National Skills Fund
OSDP	Office on the Status of Disabled Persons
SABC	South Africa Broadcast Corporation
SAHRC	South African Human Rights Commission (SAHRC)
SAQA	South Africa Qualifications Authority
SDFs	Skills Development Facilitators
SETA	Sectoral Educational and Training Authority
SMMEs	Small, medium and micro-enterprises
TAG	Technical Assistance Guidelines on the Employment of People with Disabilities
TEVETA	Technical Education, Vocational and Entrepreneurship Training Authority
TMDTPD	Thabo Mbeki Development Trust for Disabled People
UNDP	United Nations Development Programme

1. Introduction

In recent decades, the marginalization of many people with disabilities in society has been recognized as a human rights issue, resulting largely from barriers in the social and physical environment, rather than from the individual's inability to participate. This transition from a social welfare perspective to a rights-based approach, that is, to focus on improving access to education and skills training, for example, is being reflected in legislation all over the world.

Regionally, the Declaration on Employment and Poverty in Africa[1], 2004 commits African Union (AU) members to ensure equal opportunities for disabled persons by implementing the African Decade of Disabled Persons and, to that end, developing policies and national programmes that favour full participation of persons with disabilities and their families in social, political and economic development. The Plan of Action for the implementation of the commitments made in this Declaration prioritizes the targeting and empowering of vulnerable groups such as persons with disabilities, through education, skills training and entrepreneurship, among other recommended actions.

The move away from a social welfare or charity approach is reflected in ILO's Convention concerning Vocational Rehabilitation and Employment of Disabled Persons (No. 159) of 1983, now ratified by 78 countries. Convention No. 159 requires member States to develop a national policy concerning vocational rehabilitation and employment of persons with disabilities based on the principles of equality of opportunity and equal treatment, and to promote community involvement and mainstreaming where possible. South Africa has not ratified ILO Convention No. 159 in 1989, but has made progress in developing rights-based legislation concerning disabled persons with the adoption of the Persons with Disabilities Act of 1996.

In addition, impetus for a rights-based approach and full inclusion of disabled persons in society has gained momentum worldwide with the decision by the United Nations (UN) General Assembly to develop a Convention to Protect and Promote the Rights and Dignity of Persons with Disabilities. Representatives of South Africa took part in the negotiations of the new UN Convention on the Rights of Persons with Disabilities, which was formally adopted on 13 December 2006.

Given the emerging trend towards a rights-based approach to disability issues in South Africa, and the support provided to this by the AU Declaration in the broader context of Africa, it is timely to examine legal provisions concerning the training and employment of disabled persons and their implementation, and to identify steps which may be needed to improve opportunities for disabled persons seeking to acquire marketable skills, find a decent job or set up a viable business.

[1] Declaration on Employment and Poverty in Africa, adopted at the African Union 3rd Extraordinary Session on Employment and Poverty Alleviation, Ouagadougou, Burkina Faso, Sept. 2004.

A workshop, ‘People with disabilities: Pathways to decent work’, held 19–21 September 2006 in Pretoria, South Africa, provided an opportunity to commence such a review. The workshop is linked to two ILO technical cooperation projects in South Africa. One of these projects, *Promoting the employability and employment of people with disabilities through effective legislation*, funded by the Government of Ireland, seeks to promote training and employment opportunities for disabled people by supporting selected national governments to enhance the effectiveness of existing laws and policies or to develop new laws reflecting a rights-based approach.

The second project, *Strategies for skills acquisition and work for persons with disabilities in Southern Africa*, funded by the Government of Flanders, aims to enhance skills acquisition by disabled persons by identifying effective strategies to provide vocational skills and real work opportunities to youth and adults with disabilities by governments, Non-Governmental Organizations (NGOs), Disabled Persons’ Organizations (DPOs) and Community-Based Rehabilitation (CBR) programmes. An exploratory survey on skills acquisition by people with disabilities commissioned by the ILO was conducted in South Africa by the Human Sciences Research Council (HSRC), Disabled People South Africa (DPSA) and the Thabo Mbeki Development Trust for Disabled People (TMDTPD), as part of this project. The findings of the survey were discussed during the workshop.

2. Overview

During the workshop, participants reviewed employment- and training-related legislation, programmes and policies concerning disabled people and identified the necessary steps for improving the quality and impact of their implementation. The quality of skills training for persons with disabilities in South Africa, along with its relevance to market opportunities, was also discussed. Examples of effective strategies and methods for skills acquisition for productive work were examined, and ways to improve and increase skills development opportunities for persons with disabilities were discussed, including measures to make mainstream vocational training programmes more inclusive. Follow-up action to be taken by key stakeholders was suggested.

2.1 Themes

The workshop involved a combination of formal presentations, panel discussions and working group sessions, with the aim of encouraging a high level of participation.

Thematic presentations

Two main themes were addressed in the formal presentations**:** '***Training and employment of people with disabilities: The role of legislation***' and '***Skills acquisition for persons with disabilities in Southern Africa.***'

- Enabling disabled persons to find decent work: What is required?
- Training and employing people with disabilities: The legal and policy framework in South Africa – An overview.
- Training and employing people with disabilities: What are the issues?
- Pointing the way forward: What can South Africa learn from international trends in legislation and policies for persons with disabilities?
- What skills are relevant in today's world of work?
- Strategies for skills acquisition and work for persons with disabilities – South Africa survey findings.
- Including disabled trainees in general vocational education and training – Services SETA.
- Skills training in the Ikhwezi Lokusa project.
- Recent developments in skills acquisition for persons with disabilities in Malawi.
- Recent developments in skills acquisition for persons with disabilities in Zambia.

In addition to the formal presentations on these themes, a disabled person told of her experience in developing her skills and seeking decent work.

Working groups

Working groups comprising representatives of Government, workers' organizations, DPOs, NGOs, and training providers discussed the following questions:

- Improving the impact of laws and policies concerning the training and employment of people with disabilities: What needs to be done? Who should be involved? What are the first steps?
- Access to marketable skills by persons with disabilities: What policy approach should be adopted? What strategies are required? Who should be involved? What are the first steps?

Panel discussions

Panel discussions involving representatives of Government, workers' organizations, DPOs, representatives from other NGOs, as well as training providers, addressed the following questions:

- Implementing the laws and policies: What needs to be done?
- Strategies for skills development in South Africa: What is the way forward?

Following the presentations by panellists, plenary discussions took place to enable participants to comment.

2.2 Participants

Forty-six participants took part in the workshop, representing the Office on the Status of Disabled Persons in the Presidency (OSDP); the Department of Labour; the Department of Education; three Sectoral Educational and Training Authorities (SETAs); the Federation of Unions of South Africa (FEDUSA), the National Council of Trade Unions (NACTU); several South African DPOs; the South African Human Rights Commission (SAHRC), as well as representatives of other service providers. Four participants from Malawi and Zambia, who had attended the corresponding national workshops in their countries in May 2006, took part as resource persons. While employer representatives were invited to attend the workshop, none participated. There was an equal gender balance, with 24 women and 22 men attending. People with disabilities were represented by 23 persons with physical, visual or hearing impairments and by representatives from organizations advocating for the rights of persons with mental health issues and organizations of and/or for parents of children with intellectual disabilities.

2.3 Resource persons

The workshop was organized and conducted by ILO:

- Ms Barbara Murray, Senior Disability Specialist, Skills and Employability Department (EMP/SKILLS), ILO Geneva
- Ms Pia Korpinen, Associate Expert, Skills and Employability Department (EMP/SKILLS), ILO Geneva

- Ms Heather Labanya, Programme Assistant, Skills and Employability Department (EMP/SKILLS), ILO Geneva
- Ms Boshie Matlou, Progamme Officer, ILO Pretoria
- Ms Carol Phillips, Programme Administration Secretary, ILO Pretoria

Additional resource persons were:

- Ms Naomi Kamanaga, Centre Manager, Malawi Council for the Handicapped (MACOHA)
- Mr Chola Kafwabulula, Legal Expert, Disability Initiatives Foundation (DIF), Zambia
- Mr Cretus Kapato, Vice Principal, National Vocational Rehabilitation Centre (NRVC), Ndola, Zambia
- Mr Montford Chazama, Chairperson, Federation of Disability Organizations of Malawi (FEDOMA)

2.4 Resource materials

The following documents were provided to participants in hard copy or electronic format:

- ILO: Draft: *Promoting the employability and employment of people with disabilities through effective legislation (Southern Africa), South Africa Country Profile*, ILO/Irish Aid (Geneva, April 2006).
- ILO: *Employment of people with disabilities: A human rights approach (East and Southern Africa), Report of a Tripartite Technical Consultation, Addis Ababa, 23-25 September 2005*, ILO/Development Cooperation Ireland (Geneva, 2006).
- ILO Draft *Strategies for skills acquisition and work for people with disabilities*, Thabo Mbeki Development Trust for Disabled People, Disabled People South Africa and Human Sciences Research Council (Geneva, 2006).

3. Official opening

Opening speeches at the start of the workshop were made by:

- Ms Judica Amri-Makhetha, Director, ILO Office for South Africa, Botswana, Lesotho, Namibia and Swaziland
- Mr Mzolisi Ka Toni, Executive Director, Disabled People South Africa (DPSA)
- Mr Bennette Palime, Director, President's Office on the Status of Disabled Persons (OSDP)

Ms Judica Amri-Makhetha, ILO Director and Representative for South Africa, Botswana, Lesotho, Namibia and Swaziland, welcomed members of the high table and participants to the workshop and acknowledged the support of the Governments of Ireland and Flanders to this workshop, which is taking place as part of the ILO technical cooperation projects in South Africa concerning legislation and skills acquisition.

Ms Amri-Makhetha said that the ILO's commitment to promoting opportunities for persons with disabilities in training and employment dates back eighty years to the early days of the Organization, a specialized agency of the UN, set up in 1919, before the UN came into being. She pointed out that it differs from other UN agencies in that it is a tripartite organization, involving governments, as well as our social partners – employers' and workers' organizations. In South Africa, ILO works closely with tripartite partners including: the Department of Labour, Business Unity South Africa (BUSA), the Federation of Unions of South Africa (FEDUSA), the National Council of Trade Unions (NACTU) and the Council of South African Trade Unions (COSATU). The involvement of the social partners ensures that issues affecting people at every level of society are brought to attention – particularly in relation to the world of work.

The principles of equal opportunity, equal treatment and non-discrimination are embedded in the ILO's Constitution and in all ILO activities:

- rights at work and the adoption of international labour standards – international treaties which are binding on the States which ratify them;
- knowledge development - building knowledge on good practice in skills development, employment, enterprise development, social security;
- advocacy, through conferences, seminars, workshops like this one, training programmes and policy advice; and
- technical advice and support through technical cooperation projects at the national, sub-regional and regional levels.

The ILO is convinced that poverty anywhere is a threat to prosperity everywhere. Without the inclusion of disabled women and men in initiatives to reduce poverty, inequality will continue and South African society will not prosper as it could.

The Organization recognizes South Africa's efforts in creating a society for all through developing an enabling framework including the South African Constitution; the Integrated National Disability Strategy; the Skills Development Act; the Employment Equity Act (EEA); the Promotion of Equality and Prevention of Unfair Discrimination Act; the Preferential Procurement Framework Act; the Code of Good Practice on the Employment of People with Disabilities; and the Technical Assistance Guidelines on the Employment of People with Disabilities (TAG).

The AU Declaration on Employment and Poverty in Africa adopted in Ouagadougou, September 2004, commits AU members to ensure equal opportunities for disabled persons by implementing the African Decade of Disabled Persons. This requires the development of policies and national programmes that favour full participation of persons with disabilities and their families in social, political and economic development.

Although South Africa's legislative framework supports principles of equal treatment and non-discrimination, barriers to inclusion and equal opportunities still exist. Disabled people can make a meaningful contribution to society with access to education, skills training and employment that is suited to their skills, interests and abilities. However, discrepancies between economic growth and job growth, in addition to inherent difficulties faced by people with disabilities, constrain employment development. Today, many disabled people have to struggle to obtain access to training and jobs and often only achieve this with the support of their communities and families. A great number of people with disabilities do not have these opportunities, however, and thus do not realize their potential. The Survey report to be discussed during the workshop provides some insight into how some disabled people in South Africa have accessed training and employment.

South African policymakers and service providers are now challenged to identify means to ensure that the door to education, skills training and employment opportunities is open to all disabled persons. Globally, the inclusion of disability issues must be an integral element of the international development agenda.

Mr Mzolisi Ka Toni, Disabled People South Africa (DPSA), commented that in South Africa, and especially in Limpopo Province, there is a long way to go before decent work is achieved for people with disabilities. In his view, the equalization of opportunities for disabled people and the advancement of a rights-based approach are two important issues that need to be dealt with. In order to achieve these two important elements, alliances are needed between the disability sector and Government. He pointed out that there was no significant support from Government to facilitate the work of the African Decade of Persons with Disabilities in the region, saying that the only support the African Decade Secretariat receives comes from the Swedish and Danish Governments. When the Decade was initiated, South Africa chose to focus on four priority areas:

- the policy and legislative framework;
- economic development;
- the provision of services; and

- building and empowering DPOs.

Mr Ka Toni suggested that if all disabled people aligned themselves with the slogan *"Nothing about us without us"*, a difference can be made.

The research on skills acquisition to be discussed during the workshop would address one of South Africa's identified priority areas. Mr Ka Toni further emphasized that as people with disabilities partner with key institutions such as the Human Science Research Council (HSRC), the sector would be able to report in 2009 on such activities conducted with the ILO's support.

Mr Bennette Palime, President's Office on the Status of Disabled Persons (OSDP*),* said that the employment of people with disabilities is priority for the South African Government. The growing divide between developed and developing economies and between the first and second economies is the biggest global challenge at present. People with disabilities often rely on the willingness of governments to develop quotas for their employment, although governments have generally not followed through with this in practice. Therefore, although having developed the right legislation is important, the implementation is also a key factor that must be examined.

Employers' attitudes, inaccessibility of the working environment, reasonable accommodation and selection and recruitment practices are challenges faced by disabled persons. Access to health and wellness programmes in the workplace and accessible labour market policies are additional challenges faced, as well as the major challenge of changing technology at work.

The inability of economies to create adequate opportunities for employment for all, including disabled persons, is problematic. The current unemployment rate for the total population in South Africa is approximately 40 per cent. This figure rises significantly when looking specifically at the unemployment rate of people with disabilities.

Government's key role is to create a legislative framework that is flexible enough to take people with disabilities into consideration in labour market policies, and also in respect of social integration. Capital and human resources to develop the skills for people with disabilities in the workplace must be provided for by government.

Quota systems and targets need to be reviewed in order to accommodate disabled people at the workplace. The Government should also play a role in ensuring that job retention obligations are adhered to and skills development of disabled people is realized.

In conclusion, Mr Palime made some recommendations on what is required to facilitate the inclusion of disabled persons in training and employment in society:

- An all-inclusive employment equity framework to facilitate access of people with disabilities to employment;
- Clear occupational health and safety legislation catering to people with disabilities (including the Basic Conditions of Employment Act and the

Labour Relations Act), and particularly ensuring that this legislation is disability-friendly.

Referring to the UN Convention on the Rights of Persons with Disabilities, he mentioned the article focusing on work and employment which refers to inclusion and specifies how the workplace is to be made accessible. The challenge for governments now will be how to translate this provision into action. The Convention's main impact will be noted in reporting mechanisms to the UN on the employment of disabled people. The reporting will form a part of the regular country reports to the UN and will involve closer monitoring on the implementation of the Convention by member countries.

In conclusion, Mr Palime urged that, although the world of work is constantly changing, the recruitment and employment of disabled people must remain key items on the agenda. With these remarks, Mr Palime declared the workshop officially open.

4. Thematic presentations

4.1 Training and employment of disabled persons – The role of legislation

Barbara Murray, Senior Disability Specialist, Skills and Employability Department, ILO Geneva

Introducing the session, Ms Barbara Murray highlighted the significance of the UN Convention on the Rights of People with Disabilities, which was not only negotiated between governments as other conventions, but also involved up to 800 DPOs. The Convention, which is likely to be adopted by the UN General Assembly later this year, will be binding upon countries once it is ratified. The legally-binding instrument will be a major force in influencing and changing the way disability is viewed – with increasing emphasis on a human rights perspective. Since the Convention will be legally binding, Ms Murray noted its importance in providing a framework for policy development and implementation, and in enabling people on the ground to benefit.

The ILO has completed a review of legislation in fourteen countries in Africa and Asia and from this, Ms Murray noted that South African legislation appeared to be exemplary and a leading example of modern disability legislation. South Africa also sets a leading example with regard to implementation, with disability matters being coordinated at the highest level through the President's Office. From the outside, this looks impressive, although it is clear that gaps still exist between targets set and what has been achieved. One of the most important gaps to examine is the Government's employment target of 2 per cent representation of disabled workers in their workforce, a target which has not been met. The factors contributing to this gap, as well as possible solutions and measures to close these gaps, were questions which would be discussed and debated during the workshop.

4.1.1 Enabling disabled people to find decent work - What is required?

Ms Heather Labanya, Programme Assistant, Skills and Employability Department, ILO (Geneva)

In order to enable people with disabilities to find decent work, the demand and supply factors in the labour market need to be taken into account.

Supply side

In order to acquire decent work, people with disabilities need to have *education*. In a knowledge-based society, this is a key ingredient if disabled people are going to have a competitive advantage. Secondly, *marketable skills* are important, but since many disabled people do not have the same access as non-disabled persons to basic education and thereafter skills training, acquisition of such necessary skills is challenging. Thirdly, *core skills* such as personal management skills (for example, including confidence, initiative and persistence), team work skills, and flexibility are *"soft skills"* that make all the difference in employment. Many

employers are looking for these skills and also often expect a candidate to have had work experience. Many jobseekers with disabilities find themselves in a *"catch 22"* situation, as work experience is not offered to many people with disabilities.

How can laws address the supply factors?

Laws should provide for access to education, relevant skills training, career guidance, employment services and information about the rights of people with disabilities.

There are several ways in which laws can address disadvantages faced by disabled workers including, for example, through the provision of a *disability allowance*. A disability allowance provides funds to meet non work-related costs that facilitate access to employment for people with disabilities. Other examples include: *personal assistance schemes* (as have been introduced in the Nordic countries) and *transport allowances*.

Demand side

On the demand side, employers should be willing to recruit disabled jobseekers, yet are constrained in this by mistaken ideas or assumptions they may have about their work capacity. As a step in this direction, employers may provide training or work experience to disabled persons; retain and be willing to retrain employees who acquire a disability in the workplace, where appropriate; provide advice to training providers on what skills are needed in the labour market; and provide other supports as appropriate to promote disabled persons in the labour market (such as subcontracting work to businesses owned by people with disabilities).

How can laws address the demand factors?

Anti-discriminatory laws, for example, prohibit employers from discriminating against people with disabilities and therefore serve to discourage employers from discriminatory behaviour, providing for penalties in the case of failure to abide by the law. Laws can also provide incentives to employers who employ and/or train people with disabilities. Further employer involvement may be encouraged, for example, by involving employers in giving advice to training providers or other key stakeholders on the skill requirements of the labour market.

Many of the obstacles faced in promoting the employment of persons with disabilities have to do with the perceived cost of adaptations. Some of the ways that laws can address such concerns is though *workplace adaptation grants*, for example. These are funds provided to employers that serve to facilitate adaptations to the workstation or the workplace to make them more accessible to disabled employee(s). Laws can also provide for *equipment grants or loans*. Employers may also receive e*mployment incentives* encouraging them to employ disabled persons (for example, tax rebates), or can provide *wage subsidies*.

4.1.2 The legal and policy framework in South Africa – An overview

Mr Bennette Palime, Director, Office on the Status of Disabled Persons (OSDP)

Employment Law in South African is based on the South African Constitution (specifically Chapter 2, Section 9), and South African jurisprudence, as well as the Promotion of Equality and Prevention of Discrimination Act, the Skills Development Act, the Basic Conditions of Employment Act, the Labour Relations Act and the Public Service Act which measures protecting all vulnerable groups such as women, people with disabilities, youth and children in labour exploitation. The Public Service Act provides for affirmative action, as well as protecting vulnerable groups against discrimination.

Disability is defined under the Employment Equity Act within the employment context. The Act provides for inclusive measures to enable people with disabilities to access the mainstream work environment. Workplace accessibility (including transport) or reasonable accommodation are included in this legislation. Under the Act, due attention must be given to inclusion in selection and recruitment interview procedures. In addition, South African legislation encourages employers to focus on the abilities rather than the disability of a given jobseeker or employee.

The concept of undue hardship in the Act must be re-examined, since many companies have often opted to pay fines as opposed to employing disabled people. Equality courts are reviewing this problem.

Jurisprudence in South Africa is case law-based. Decisions taken in the courts have shaped the disability legislation. Recent examples can be seen from two cases:

- *Equality Court, Port Elizabeth*: A case was brought against the South African Police Service about ensuring accessibility and transport for employees with disabilities in the Police Service; and
- *Magistrate Court, Pretoria:* A magistrate in the Pretoria Magistrate Court with muscular dystrophy which caused him to write slowly and use large print (even when writing) brought a case against the court. The Equality Court ruled that more time was to be given to the plaintiff, the Magistrate, to complete his cases in court and that this would impact on the number of cases he would bring to judgment.

Although the South African approach to disability and employment is to have accessible workplaces to enable employees with disabilities to reach their workstations easily, it faces problems with the provision of personal assistants.

The retention of workers with disabilities in the public service will be addressed through the *Health and Wellness Programme* and the *Job Access Programme.* The Health and Wellness Programme is to be presented to senior managers in Durban shortly; and the *Job Access Programme* will serve to open opportunities for people with disabilities focusing on the requirements of each individual as opposed to those of the public service.

4.1.3 What are the issues?

Mzolisi Ka Toni, Executive Director, Disabled People South Africa (DPSA)

In South Africa, a question that looms is the fact that it is a model country equipped with all the right legislation concerning people with disabilities, yet society is not moving towards more effective ways of implementing these laws.

Concerning definitions of disability, it has been felt by many that a definition of *"disability"* or a *"person with a disability"* is a pertinent issue to tackle in equality in order to move forward in achieving equality for disabled persons. The negotiations surrounding the UN Convention focused significantly on the definition of disability instead of other more pressing issues confronting disabled people. However, people with disabilities have not found these debates over definitions helpful. In South Africa, a definition of *"a person with a disability"* is found in the *Employment Equity Code of Good Practice* to facilitate employers in their application of the Code as applicable to persons with disabilities.

Mr Ka Toni quoted Joshua Malinga of Zimbabwe, who said *"people with disabilities have created an industry to benefit others such as social workers and occupational therapists, for example, suggesting that many aides do not work to benefit people with disabilities but to ensure work for themselves."* Furthermore, finding persons who will provide sufficient support to disabled persons is a challenge requiring significant preparation and should not be done with haste. An example of the difficulties is seen with the South Africa Broadcast Corporation (SABC) who endeavoured to make their programmes accessible to persons who are deaf or have hearing impairments. SABC engaged sign language interpreters but found that the sign language interpreters employed could not be understood by the intended beneficiaries. SABC had not ensured adequate consultation with stakeholders; persons within the deaf community with the knowledge and know-how. This is a critical issue that must not be taken lightly.

The social security policy in South Africa is a key issue to look at. For example, many growing economies have transport and other allowances to facilitate the access of people with disabilities to the workplace. However, in South Africa, as in many other countries, people with disabilities are deterred from entering into the labour market for fear of losing the disability grant as well as because of the difficulties faced in re-instituting the disability grant after leaving the system.

The reasoning for the provision of a disability grant has been questioned, in other words, whether the grant is being paid because the person was disabled or unemployed. A right message about the grant must be clearly communicated and that is: that the grant is given to facilitate access of people with disabilities to employment.

Many employers will not employ people with disabilities unless they are made aware of successful examples. The disability sector is responsible for ensuring the provision of incentives that convince employers to want to employ disabled people. For example, in Germany, a pilot model to encourage employers to employ disabled persons is underway, with relative success. Under the scheme, employers are required to hire disabled people in compliance with quota

employment requirements or else pay a fine. The funds from the fine are placed into a fund and used to further employment access and/or opportunities for disabled persons.

People with disabilities have often experienced isolation in society in general, and have not been given the opportunity to acquire the necessary experience in the world of work, nor the required skills.

DPOs in South Africa have been too lax and have perhaps "sold out" in relation to achievements and advances. Pressure on employers and government to take these issues, raised seriously, and ensure joint progress is applied strategically. An *"honest alliance"* between professionals working in the field and disabled persons must be attained instead of unfruitful *"fights"* between the parties. Use of these partnerships must be made, otherwise opportunities will be lost.

It is unfortunate that the absolute minimum targets set for engaging disabled persons in employment are not being met, as the Employment Equity reports reveal. People with disabilities have an opportunity to be part of a designated group. Race issues complicate the situation in South Africa. As a starting point, race and disability issues married together are controversial, given that historically African, Coloured and Indian people with disabilities have been more marginalized than white disabled persons. Also, the level of oppression differs between racial groupings. With the complexity of this issue, the disability sector needs to mature and not focus on the disability groups whose requirements are more easily met.

4.1.4 Pointing the way forward: What can South Africa learn from international trends in laws and policies for persons with disabilities?

Barbara Murray, Senior Disability Specialist, Skills and Employability Department, ILO Geneva

South Africa has put in place an exemplary system of laws and policies to promote employment equity which is widely cited as a model of modern legislation. Problems have arisen when it comes to implementing the laws and policies, however, and people with disabilities have not benefited to the extent they could or should. In this presentation, an overview is given of the provisions of the UN Convention on the Rights of Persons with Disabilities, finalized in August 2006, before turning to key elements which should be considered in improving the implementation of the laws, focusing in particular on the value of consultation with social partners and DPOs, on ways in which employers can be encouraged to be more involved and on new approaches to employment promotion for disabled persons.

In planning laws and policies, and in developing services and implementation measures, policymakers need to bear in mind that people with disabilities make up a diverse group, and that this has implications for the services and support measures required to facilitate their full participation in society. Their requirements will vary, depending on whether they have a physical, sensory, intellectual or mental health disability; on the level of support they require; and on whether they have had a disability from birth, childhood or adulthood, a consideration which will affect their pathway through education, vocational training and work; and on their gender. Gender also makes a huge difference in a disabled person's experience and prospects at employment. Women with disabilities are often left out of the opportunities created by disability legislation.

The shift in focus which is in evidence in laws and policies throughout the world can be summarized as a shift from rehabilitating disabled persons to rehabilitation of society; from charity to rights; from seeking adjustment to the norm to the acceptance of diversity in society; from exclusion of persons with disabilities to inclusion, participation and citizenship. This shift is clearly reflected in the new UN Convention on the Rights of Persons with Disabilities, which is based on the principles of:

- respect for inherent dignity, individual autonomy
- non-discrimination
- full and effective participation and inclusion in society
- respect for difference; disability as part of human diversity
- equality of opportunity
- accessibility
- equality between men and women
- respect for evolving capacity of children

The Convention represents a major change – a new approach to work and employment for persons with disabilities - in that it recognizes the right of persons with disabilities to work, on an equal basis with others. This includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. It calls on States to open up opportunities in mainstream workplaces, both in the public and private sectors. To facilitate this, the Convention promotes the access of disabled persons to general technical and vocational guidance programmes, placement services and vocational and continuing training, as well as vocational rehabilitation, job retention and return-to-work programmes. States are called on to prohibit discrimination on the basis of disability in all forms of employment, in recruitment and continuance of employment; to promote opportunities for career advancement in the labour market; to provide assistance in finding, obtaining, maintaining and returning to employment. The equal right of disabled persons to just and favourable work conditions is protected.

The Convention also recognizes that for many disabled persons in developing countries, self employment or micro business may be the first option, and in some cases, the only option. States are called on to promote such opportunities.

The right to exercise labour and trade union rights is promoted in the Convention. States are also called on to ensure that people with disabilities are not held in slavery or servitude and are protected on an equal basis with others from forced or compulsory labour.

The Convention does not create new rights, but rather elaborates in detail on how the right to work, guaranteed by the Universal Declaration of Human Rights, can be realized for people with disabilities (Article 23).

The Convention recognizes that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others. This understanding is reflected in its definition of persons with disabilities

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.

Importance of consultation

Consultations are important, because laws that reflect views of multiple stakeholders are more effective than laws that only reflect the view of the Government. During consultations, the Government benefits from the widespread expertise both within the country and from international organizations, such as the ILO. In planning consultations on disability-specific legislation, it is very important that the Government involve representatives of persons with disabilities.

In the case of disability legislation, policymakers and drafters of legislation should consult:

- DPOs
- Government Ministries
- employers' organizations
- workers' organizations
- service providers
- the general public

DPOs

DPOs are essential stakeholders in disability-related laws and policies. Through consultation with DPOs which are representative of the diverse disability community, laws and policies are more likely to adequately identify the barriers faced and make provision to dismantle these barriers and to support disabled people in overcoming the disadvantages they face. In planning consultations, allowance should be made for the fact that about 80 per cent of disabled people live in rural regions, so that sharing material with them and gauging their views may require additional time. In all instances, materials must be provided in accessible formats.

Relevant Government Ministries

In the past, disability issues were usually the responsibility of one government ministry, but now, increasingly, a multisectoral approach is adopted, with each ministry catering to the requirements of disabled persons in areas within their respective portfolios. It is particularly important that ministries responsible for education, vocational training, employment, transport and health be involved. National coordinating committees have been established in many countries to encourage this process.

Employers' organizations

Employers' organizations play a pivotal role, since it is employers, rather than the government, that create jobs. If drafters do not consult with employers' organizations, they risk imposing unrealistic or unacceptable rules in the workplace and on hiring practices. Identifying and involving employers' organizations that are willing to promote opportunities for disabled people is central to determining what legal provisions employers will accept. In some countries, for instance, quota systems were put in place without consulting employers' organizations, so employers may not adhere to the quotas or even be aware that they exist.

Workers' organizations

Workers' organizations, likewise, are pivotal stakeholders for any labour legislation and should be consulted. Trade unions have a role not only in job retention, but also in the active recruitment of disabled workers. Trade unions are often more than willing to look after the rights of union members who become

disabled on the job, and are less enthusiastic about the hiring of new disabled workers. Trade unions should work towards sensitizing their members on the rights of and barriers faced by people with disabilities, and they should set good examples by hiring disabled people to work for the unions themselves.

Service providers

Service providers, such as training centres, must be consulted on new legislation so they can prepare for the changing roles that new legislation often calls for. For instance, new legislation on inclusive training will greatly affect the roles of sheltered service providers, and they must be consulted so they will know how to proceed in the newly-integrated system. In Australia and some European countries, public funding for sheltered workshops was recently made conditional on those workshops changing the way they operated and on a specified percentage of sheltered workers, transferring, annually, to the open labour market, with supports if required. The challenge posed by this meant that some services introduced excellent innovations, such as supported employment, while for others the challenge was overwhelming. A key issue in moving towards full inclusion of disabled persons is to find a way of tapping and retaining the expertise which exists in the special services.

General public

Lastly, the general public should be consulted, which includes the families and friends of people with disabilities. This is particularly important in rural areas where the family and community networks are central to making full inclusion a reality.

Greater involvement of employers

In South Africa, the need to encourage employers to be more involved in promoting employment opportunities for persons with disabilities is evident. Some employers are involved, and examples of good practice exist, but many more jobs are required. A strategy is needed, to convince more employers that employing disabled persons makes good business sense, that employees with disabilities can make a valuable contribution.

Such a strategy should take into account the different ways in which employers can support the promotion of employment opportunities.

Employers can play a direct role in recruiting jobseekers with disabilities; in facilitating on-the-job training and supported employment placement; in ensuring that employees with disabilities participate in staff training and are considered when there are opportunities for promotion; and in retaining workers who acquire a disability while in employment and facilitating their return to work, if they need to take time off, after acquiring their disability.

Employers can also play an invaluable indirect role in improving opportunities, by providing advice to training centres on the types of skills required in the labour market; by advocating the disability business case with other employers; by

issuing contracts to businesses of disabled persons; by mentoring small enterprises of disabled persons and by undertaking other initiatives which they identify.

The strategy should take into account the assumptions and concerns which stop employers from being supportive. Many employers assume that the Government and NGOs have responsibility for disability issues and that they themselves do not have a role. They may assume that persons with disabilities have limited working capacity. They may be fearful that employing a disabled worker might bring problems, and that once employed, that person would have legal rights which would make it difficult to terminate the contract.

Other frequently-expressed fears are that employing disabled persons will cost more; that additional supervision will be required; that there will be a loss of productivity to the company; and that expert advice and technical services which may be required are either not available or difficult to identify.

The strategy should seek to address the employer's requirements and expectations when it comes to employing staff with disabilities. Suitable candidates need to be referred. Information needs to be provided on the legal obligations; on financial incentives and support services which are available; and on the work-related implications of different types of disability. Advice needs to be provided on safety, accessibility and workplace adaptations. Advice should also be available for supervisors and co-workers. The strategy should include an effective follow-up service to support the employer and the disabled employee, to ensure that any problems which arise in the initial stages of the appointment are quickly identified and resolved.

In trying to involve more employers, the strategy could involve a range of approaches. Employers could be approached individually, to discuss placement, supported employment, on-job training and work trial possibilities. This might be combined with a collective approach, reaching employers through high profile events, job fairs, award ceremonies and other initiatives in collaboration with employers' organizations. The media is a key ally in this part of the strategy, enabling a wider public to be reached.

Rather than seeing employers as *'the problem'* and seeking to get their involvement through law enforcement, with the imposition of fines, the strategy could seek to build a partnership with employers, in which a quality service is provided; employers provide advice in return and learn through experience that employees with disabilities can be a valuable asset, As employers gain in confidence, more jobseekers with disabilities are likely to find jobs.

In seeking to make a difference in improving opportunities for disabled persons, it may be necessary to review some of the approaches, programmes and services used to date, to establish whether they should be continued in the same form, or whether a change is required. It may be necessary to introduce some new approaches and initiatives, such as the supported employment approach which has shown to be effective in several countries and is now becoming a part of public policy. A proactive strategy to involve employers is another example.

Partnerships and strategic alliances are central to strategies to bring about full participation of disabled persons in society. The active involvement of all Government Ministries, particularly those with responsibility for education, vocational training, employment, social security, poverty reduction, development, the built environment and communications. Consultation with the social partners on laws, policies and implementation measures is central, and DPOs need to be involved in this process. Skills training institutions and placement services are key service providers which need to be part of the network of partnerships. NGOs also need to be involved, as in many places they are filling gaps in public services through the programmes they run. Families of disabled persons need to be involved, along with the social workers and counsellors who may be advising them and their disabled family members. Universities and research institutes can play an important role in advancing the state of knowledge and developing innovations. The media is a crucial part of the alliance of partners, in challenging stereotypes and mistaken assumptions concerning persons with disabilities and highlighting the valuable role which disabled women and men can play, if they are given the opportunity.

4.2 Skills acquisition for persons with disabilities in Southern Africa

Barbara Murray, Senior Disability Specialist, Skills and Employability Department, ILO Geneva

Ms Barbara Murray introduced participants to an ILO technical cooperation project, *Strategies for skills acquisition and work for persons with disabilities in Southern Africa*, undertaken in Malawi, South Africa, Swaziland and Zambia. The project, funded by the Government of Flanders, aims to enhance skills acquisition among people with disabilities by identifying effective strategies to provide vocational skills and real work opportunities to youth and adults with disabilities through governments, NGOs, DPOs and CBR programmes. An exploratory survey on people with disabilities and skills acquisition was commissioned by the ILO in all participating project countries. In South Africa, the survey was undertaken by three organizations: the Thabo Mbeki Development Trust for Disabled People (TMDTDP), Disabled People South Africa (DPSA) and the Human Sciences Research Council (HSRC). A report of the survey findings and case studies featuring individuals with disabilities who benefited from the Programmes identified were produced *(see presentation 4.2.2 below*).

4.2.1 What skills are relevant in today's world of work?

Pia Korpinen, Associate Expert, Skills and Employability Department, ILO Geneva

Ms Pia Korpinen identified *basic education*, *technical skills* and *core skills* as the main skills that are relevant in today's world of work. In order to find decent work, people with and without disabilities must have competitive skills to participate in the labour market. They must possess basic education, vocational skills and/or have the business expertise to be an entrepreneur.

In the globalized world, possessing skills has become increasingly important. In the past, skills only referred to technical skills for certain professions. However, today employers are looking for job applicants who also have core skills.

What are core skills?

Core skills are non-technical general skills essential to the functions of most jobs. They are important in both less developed and more developed countries and include:

- the ability to learn and to continue to learn;
- problem solving skills;
- teamwork skills (the ability to work, plan and make decisions with others and to respect the thoughts and opinions of others in the group);
- communication skills (reading and writing, active listening to learn and understand);
- personal management skills: positive attitude and behaviour, self-esteem and confidence, responsibility, flexibility and multitasking, ability to meet deadlines, a positive attitude towards change;
- other core skills may include punctuality.

Why are core skills so important?

Today's world of work requires individuals who are able to acquire, adapt, apply and transfer their knowledge to different contexts, as well as respond independently and creatively to the given environment. Essentially, core skills help people to have the skills to get a job, keep it and advance in their working career. These are skills needed in most jobs and form the basis for successful further study and development. Core skills improve an individual's motivation, progression, achievement and employability.

Where can core skills be acquired?

Core skills can be developed throughout a person's life and in multiple settings, from work experience/life to education and training.

In addition, many skills training centres are developing and offering programmes teaching core skills. Core skills can also be developed through participation in special programmes, on-the-job training, schools, sport clubs and various youth or other organizations. Team sports like football, for example, could enable a person to develop teamwork skills, discipline and motivation - skills necessary for jobs.

Vocational education and initial training should focus more on core skills and competencies that facilitate access to different types of jobs and develop further potential for training. Each sector of education has a role to play in helping people to develop their core skills.

Training systems can impart core skills though developing flexible courses and courses that promote lifelong learning. In order for training systems to do this, strong interaction is needed between training and the real world of work -

partnerships between government and enterprises should be forged. In addition, innovative experiences throughout the world highlight the significant impact of joint action in training delivery, involving collaboration with employers, and sharing the cost of training.

4.2.2 Project findings – South Africa

Marguerite Schneider, Chief Research Manager, Human Sciences Research Council (HSRC)

Background

This exploratory study is part of a four-country study undertaken by the ILO in Geneva, Switzerland, on vocational skills acquisition and employment experiences of people with disabilities.

The aims of the study were:

- to identify effective strategies for vocational skills acquisition by persons with disabilities leading to productive work; and
- to promote training policies and effective methods of training and employment services delivery for individuals with different types of disabilities, particularly in mainstream training institutions.

The specific questions asked included the following:

- Are skills acquisition opportunities being accessed, and by whom, and what type of opportunities?
- Do these skills acquisition opportunities lead to employment in the open labour market?
- What are the major barriers and facilitators to skills development?
- What are the major barriers to employment?
- What overall effective strategies are identified in the survey and case studies?

Methodology

The methodology in South Africa included three components:

- A survey of 318 people with disabilities, spread across people with four different types of disabilities (hearing, vision, physical and intellectual) and who were either skilled and employed, skilled and unemployed or unskilled (employed or unemployed).
- A series of 21 individual case studies of people selected from the respondents on the survey.
- A series of four case studies of training institutions that represented different approaches used in training of people with disabilities. These training institutions included a rural agricultural training centre, a rural coffin-making business run by a disabled person who trains other people with disabilities,

an urban training and employment centre, and an urban mainstream training college.

The study was conducted in five provinces of South Africa - Western Cape, Eastern Cape, North West, KwaZuluNatal and Gauteng. The 318 people with disabilities interviewed in the survey were selected purposively using a snowball technique, word of mouth and through the research team's own contacts.

While not representative of the population as a whole, the study provides insight into the process of skills development for people with disabilities, and its effectiveness in enabling them to obtain work, and highlights possible trends which merit further research.

Results

The results should be interpreted with caution as the sample was purposive and not representative of the South Africa population with disabilities. The trends raised reflect the combination of findings from the survey and case studies of individuals and training institutions. These trends could only be confirmed through further research using a representative sample survey.

Formal skills

The more common skills formally acquired by people with disabilities interviewed included: boiler making, carpentry, welding, woodwork, cleaning, caring for disabled and older people, sewing and cooking, secretarial, administration and general office skills, call centre skills, computer skills, weaving, environmental health, leadership, counselling and ministry, public management, sign language instruction, hairdressing, CBR, graphic designing and photography.

Skills acquired informally

The more common informal skills acquired by people with disabilities were reported as being: life skills and counselling, arts and crafts, sewing, cooking, cleaning, communication, computer skills, working in a business context (for example, running a flea market stall), gardening and planting, repairing cars, radios and cell phones, community involvement and participation, sports and singing.

Barriers to skills acquisition

Important barriers to formal skills acquisition were reported as being lack of: funds, information, awareness of providers and transport (frequently mentioned by physically-impaired respondents).

When asked to comment in an open-ended question, some respondents mentioned the following additional barriers to skills acquisition: lack of basic education and poor quality education, lack of teacher availability, lack of sign language interpreters and being sick often and not being able to attend.

Facilitators for skills acquisition

The facilitators for skills acquisition were reported as being: accessible buildings, willingness to train on part of service providers and access to information.

When asked to comment in an open-ended question, some mentioned the following additional facilitators to skills acquisition: self motivation *('the will within'*), putting effort into learning, having a positive attitude, support from family, smooth transition from school to skills training, training with other disabled people and practical training.

Types of employment

The 139 people with disabilities, who indicated that they were working, were involved in a wide variety of jobs, ranging from those traditionally associated with disabled people, such as switchboard operator, to work in information technology and the media. Jobs included: switchboard operator, care worker, shopkeeper, leatherworker, machine operator, sign language instructor, TV presenter, director and script writer, actress, car washing, camera controller, administration, client service officer, development worker, public relations, housekeeping, clerical, IT, fundraiser and handyman.

Ways of finding jobs

The respondents were asked how they had found their current job. The role of relatives or friends, and NGOs were mentioned most frequently. This highlights the importance of networks. Placement agencies and answering advertisements were not reported as being used often for finding employment. Approaches also mentioned included: going *'door to door'*; doing voluntary work; being referred by the school or service provider.

Barriers to finding work

The most frequently mentioned barriers to finding work were: lack of jobs, lack of awareness from employers and lack of skills training.

When asked to give further examples and explanations, some respondents reported the following barriers: negative attitudes that see disabled workers as less productive, and costs of reasonable accommodation and assistive devices.

Facilitators to finding work

The most frequently mentioned facilitators to finding work were reported as being: good skills training (very high relative to others), job availability and awareness of employers.

Further examples included: people helping to complete application forms, self-employment, good communication skills, good skills and a certificate, personal factors such as a positive attitude: *"the will to go on in life and the urge to be successful"* or *"probably my personality, outgoing personality and never stepped back from a challenge"*.

Earnings

Respondents were asked if they thought that people with disabilities earn less than their non-disabled peers, and, if they responded positively, to give reasons why this occurs. The responses given were as follows:

- "…people take advantage of deaf people because they are considered as stupid";
- lack of formal qualifications;
- having a Disability Grant and not wanting to be over limit (employer perspective), thus being paid a low wage;
- workers with disabilities are taken advantage of as employers don't think they (the person with disabilities) understand what is going on;
- people with disabilities are desperate for employment, and so take on anything in order to achieve some financial independence;
- people with physical impairments are less mobile and take longer to complete tasks;
- few workers with disabilities reach the higher echelons of positions in the workplace; and
- people with disabilities have less opportunities for training and employment and so have less opportunity to develop skills and get experience and move up the ladder.

Skills development and employment

Some of the respondents described the importance of skills development and employment in self realization and increasing their self-esteem.

- *"Being part of skills development for me with intellectual disability has been good; Opportunities have come my way and I like it. I'm able to do things better now and learn about myself and people around me."*
- The role of career guidance and planned progression from school to skills training and employment was seen as crucial to being successfully employed.

The importance of training, information, physical accessibility, transport, assistive devices and financial assistance were all highlighted in a consistent manner by all survey respondents and case study participants. People with disabilities described how a lack of training in how to apply for a job, and if and how to disclose their disability made them feel ill-equipped to answer advertisements for positions. Respondents reported that many employers were providing good reasonable accommodation, but many were still lacking in this domain.

Some successful strategies highlighted by individual people with disabilities in the study were described as follows: use of distance education to overcome physical barriers to training, use of job coaches, providing strong support within the workplace and Government policies which can be used to argue the case for promotion.

Successful strategies used by the training institutions were described as follows:

- planning the training to work transition as a crucial factor in ensuring successful employment for people with disabilities;
- focusing on employment skills rather than only on rehabilitation;
- mitigating the dependency and lack of motivation to be independent in work often created by government grants – a factor that needs further research to understand and manage; and
- having strong positive attitudes to the integration of people with disabilities within mainstream training. When impairment needs are dealt with as a fact of life, without making a fuss about them, mainstreaming of students in further education and training is facilitated, as highlighted in the following quote: *"We don't see any problems, we see it as an opportunity – it is not a threat to us. We see it as an opportunity where each of us believes we can."*

General comments on strategies arising out of the study

- The positive effect for both the worker with disabilities and their workplace colleagues of mainstream employment of people with disabilities is highly significant in increasing self-esteem and changing of attitudes towards disability.
- Good planning of school to training to employment transitions is crucial.
- Accessing training is important and training programmes should ensure that the venues and materials are accessible.
- The role of a positive personal outlook was also noted as being an important factor in determining success in skills training acquisition and finding employment.
- Attitudes of trainers and employers are also crucial to ensuring skills training is made accessible and employment opportunities made available.
- The acquisition of relevant skills and the availability of good networking opportunities seem to facilitate finding employment.

Recommendations

A number of recommendations come out of the study, including:

- the need for a good basic education to ensure follow-through with skills and employment;
- a clear career guidance plan for every child with a disability to be developed at school and information on wide career options provided;
- training must be flexible, accessible and should meet individual impairment needs;
- trainers should be provided with support to take impairment needs into consideration without difficulty, and this will change any negative attitudes they may have;
- employers should be supported to employ workers with disabilities, as a strategy to change their attitudes to disabled persons;

- People with disabilities should be supported in finding and keeping jobs, which will assist them in developing self-esteem; and
- the role of the Disability Grant in creating a disincentive to finding employment should be reviewed and researched further.

4.2.3 Skills training and work – Individual story

Sandra Rina Tyler, Social Worker, Kwazulu-Natal (KZN) Blind and Deaf Society

I was born with Retinitis Pigmentosa. In 1975, the diagnosis was made that I was blind and hard-of-hearing with the condition of Congenital Leber Syndrome. In this instance although I would lose all sight, my hearing would remain static, which it has. Hence I am deafblind. I would like to make sure you understand this term. Deafblindness refers to a hearing and visual loss in one and the same individual. There are different categories depending on the nature of the combination experienced.

Services for the deafblind were started ten years ago when DEAFBLIND South Africa was established. At present there is a national office with a National Director and Development Co-ordinator. There is branch activity in at least seven of the nine provinces. At present I am the National Chairperson of this Organization.

But let's turn to my career: the challenges and ways of overcoming them. School was started in Durban at the Lady of Fatima Convent. By the age of 11, I was battling to read and went off to special education. I first attended the Prinshof School for the Partially-Sighted and then the Pioneer School for the Blind where I matriculated in 1981. Thereafter, I obtained a BA Social Work degree from the University of Natal Durban.

My social work career began by working with epileptics and then blind and partially-sighted individuals, for three years. I was unable to continue practising because of my hearing disability which made interviewing difficult. I then continued to work at NSB doing various kinds of rehabilitation work. In 1990, I attended Optima College to complete a secretarial diploma and training in skills development. Thereafter I worked at NSB teaching Braille for about ten years. Then came five years of self-employment, including public education; proofreading and some instruction in Braille. A diploma in public speaking and a Transcriber's Certificate were obtained during this period. At present I am working as a full-time social worker at the KZN Blind and Deaf Society with deafblind individuals. It is due to the current technological advances and introduction of interpreters as well as the recognition of deafblindness as a unique disability that I was able to make a come-back.

Some of the challenges I experienced throughout included isolation, rejection and peer pressure, particularly at school. I was fortunate to attend California School for the Blind for a year in 1975, where the diagnosis of my disability was made. I gained much practical experience there in mobility and skills of daily living. I left school and entered university as a very shy, self-conscious young lady, but soon learnt to speak up for myself and perform my own public education. I must admit

during school and university I enjoyed marvellous support, both moral and financial, from my family. They were always there for me. Lecturers and fellow students provided much support, too.

With employment there seemed an overall failure in realizing and understanding the full implications of my disability, even when it received full recognition. The acceptance and understanding of the uniqueness and capabilities of the deafblind by non-disabled individuals remains a challenge even in my present situation. Deafblind people can work and are able to achieve at least some level of independence. I cannot go everywhere with my guide-dog, but am able to walk routes to and from the bus to work and other places. There is the increasing myth that deafblind individuals are retarded and must be fully dependent on others. Sure we depend on interpreters to assist with communication, but these individuals certainly do not and are not available to remain with us the whole time.

It is through moral and financial support that I have been able to achieve. I have realized my wish to impart the knowledge to other disabled people that the responsibility for successful living and employment lies with us, and not with the professionals who provide service delivery. Sure they are there to help and support, but the ultimate responsibility is ours. In addition, I support the notion of core skills in assisting disabled people not only to secure employment, but to execute and maintain it successfully. A healthy self-confidence can go a long way when it comes to employment. With appropriate support, obstacles can be overcome; success can be attained. I firmly believe that my disability should never stand in the way of a full and meaningful existence where I am playing my part and making my special contribution.

4.2.4 Including disabled trainees in general vocational education and training – Services SETA

Devilliers Rolihlahla, Disability Coordinator, Services Sector Education Training Authority (SETA)

The challenge for many disabled people is that they end up choosing training in any course that comes their way out of desperation. This desperation is a result of society being so inaccessible to disabled persons that one must choose anything that comes since you do not know if an opportunity to be trained will come again. Someone may have a degree but they have to take a learnership to move forward with their career. Other problems include the entry requirements of disabled people into the Learnership Programme. These are often too high for disabled people to meet and the disability sector has the responsibility to lobby and ensure that the South Africa Qualifications Authority (SAQA) recognizes this and accommodates disabled persons into the system by adjusting the entry requirements. Access to technology is also an issue that limits the type of training disabled persons may undertake, particularly if he or she is in the rural areas. Other important challenges include: accessibility of the built environment, limited funds, lack of assistive devices, no transport provision or support, lack of disability awareness on the part of service providers and job access programmes, lack of family support and even abuse. The dependency upon and security of the

disability grant not just by the individual with a disability but the family also commonly leads individuals away from taking steps to further their job prospects.

Services SETA is introducing a bridging course between school and learnerships for students that have been out of school for a long period and need refreshment to facilitate their training though the learnership. In addition, Services SETA is carrying out a pilot project training people with mental health difficulties.

SETA has a disability advisory board with members of various DPOs represented on it along with other member companies. There is a need for SETA to train in skills gap identification, sensitization of disability issues from a human rights perspective, as well as for unity between disability advocates in order to facilitate the access of disabled persons to skills training.

Mr Rolihlahla highlighted that the Services SETA exceeded the Government disability target requiring 4 per cent of all SETA trainees to be persons with disabilities by 2 per cent.

Disabled persons need to be treated as individuals with choices and aspirations like non-disabled people. Society, including disabled persons themselves, should understand the functional abilities of disabled persons. A top-down approach is needed – that is, buy-in from the leadership of organizations – to support access to skills training and decent employment of disabled persons.

Ivor Blumenthal, Chief Executive Officer, Services Sector Education Training Authority (Services SETA)

Just under 800 persons have benefited from the learnerships offered by Services SETA. In Mr Blumenthal's view, however, the National Skills Development Strategy (NSDS) has completely failed the disability community. The efforts of all sectors, including the Department of Labour, have all failed. Initiatives began addressing concerns over the employment of disabled persons from a supply side, but not from a demand side. The disability sector has been unable to convince employers of the importance and benefit of involving people with disabilities.

In terms of the standards under the National Qualification Framework (NQF), mechanisms to ensure non-discrimination of disabled people have not begun to be utilized, neither have selection and recruitment criteria for learnerships. Rather than addressing substantial issues which lead to higher achievement of meaningful employment, Services SETAs have been chasing numbers and targets. Unfortunately, the Services and other SETAs are guilty of this and have not been held accountable.

Services SETA has failed people with cognitive or mental disabilities by not engaging them in programmes and activities. Other countries support persons with intellectual disabilities through working closely with them on tasks through university or college, preparing them for the desired meaningful employment. Though this is costly and can be labour intensive, SETAs cannot ignore people with intellectual disabilities. Services SETA has instituted the *Instrumental Enrichment and Mediation Programme*, involving one-to-one coaching from an early age through various stages in their careers.

However, now that mistakes have been noted, it is important to learn from them. A central body, accountable to the Minister of Labour, integrating Business Unity South Africa (BUSA) and involving people with disabilities, should be set up to set targets and assess the achievement of the targets.

The South Africa Qualifications Authority (SAQA) needs to ensure that, in all registered qualification categories, the specific needs of people with disabilities are taken into account equitably.

Unfortunately, many disabled people are not able to satisfy the learnership entry requirements for workplace application. Therefore, the requirements should either be modified to take account of this or a simulated working environment could be created to demonstrate competence to undertake the learnership. This being said, the main challenge does not lie in disabled persons engaging in learnerships, but in finding and staying in jobs thereafter.

4.2.5 Training in the Ikhwezi Lokusa Project

Gabriel Riddle, Administrator, Ikhwezi Lokusa Project

"Ikhwezi Lokusa", meaning *"morning star"* in Xhosa, is a training centre for people with physical disabilities and/or mild intellectual disabilities. The project, located 5 km outside Mthatha in the Eastern Cape, prepares disabled people for the open labour market through offering formal and informal skills training. The Centre conducts physical, cognitive and socio-economic assessments on all potential students prior to admission.

Established on 23 Sept 1972, the Ikhwezi Lokusa Rehabilitation and Sheltered Employment Project was developed as a further learning/training centre for students who had completed their education at Ikhwezi Lokusa School and required further training and assistance. In 2004, since the Project was looking to become a more community-based centre, the Project was renamed Ikhwezi Lokusa Rehabilitation and Development Society.

More than 64 trainees aged 18 years and above are accommodated by Ikhwezi Lokusa Rehabilitation and Development Society. The Society provides hostel accommodation, and training is offered free of charge. Admittance of students is strictly only one year post schooling, irrespective of whether a student worked or stayed at home during the year. An eight-month training programme is offered with possible extension. Ordinarily, pre-training is undertaken in January, followed by training from March to October, and lastly graduation. In cases where people have not managed to complete their training in year one, there is a possibility of doing another one or two years. Although the Society does not have much statistical data available from its inception on admissions and training, the figures available indicate that the Centre has admitted at least 689 people between 1974 and 2006.

Formal and informal training

Formal training was initiated in 2003. Ninety-three persons received formal training between 2003 and 2006; 98 persons received informal training during the same period.

- Traditional and non-traditional sewing training offered by the Society is accredited by the Walter Sisulu University of Technology. Liturgical garments made by the students are supplied to the Eastern Cape.
- The Walter Sisulu University of Technology accredits the Leatherwork training offered and offers training in preparing leather goods and shoe repairs. The Society allows some graduates to do commissioned work on-site.
- In-formal craft training in beadwork, silk screening and printing, is offered and mostly undertaken by intellectually-disabled persons.
- Formal pottery training in throwing, sculpturing, pinching, coiling, slabbing and moulding is offered.

Other training programmes include:

- business skills training through the Walter Sisulu University of Technology;
- single and group lessons in English, Mathematics and music;
- computer literacy training; and
- independent living (inter-dependent living).

Sustainability

The Society is facilitating trainees to be able to engage in employment, to start their own businesses, and to produce and market quality products. However, in the Eastern Cape, jobs were hard to find, hard to keep and hard to create. According to the *Analysis of Provincial Performance 2003 – National Skills Development Strategy Implementation Report*, there are 0.66 per cent disabled persons in the Eastern Cape, of whom 0.09 per cent are employed; 26.3 per cent disabled persons in the Eastern Cape have no schooling, while 7.5 per cent have completed school.

Reasons for poverty

The Eastern Cape has a high poverty rate and some of the main reasons for this include: alienation from the community; food insecurity; crowded homes; usage of basic forms of energy; lack of adequately-paid, secure jobs; fragmentation of the family; distortions/dynamics introduced by apartheid which produced poverty and perpetuated inequality; influx of people from rural to urban centres; and high HIV/AIDS prevalence.

Reasons for unemployment of people with disabilities

There are several reasons for the low employment rates for disabled people, including: low level of skills among people with disabilities; lack of initiative by the private/public sector; negative attitudes of employers; special and mainstream

schools offering low educational standards; fragmented and ineffective individual efforts by the disability sector; loss of clothing/textile jobs, often carried out by people with disabilities due to trade liberalization and cheaper imports.

Disability in South Africa

Persons with disabilities in the Eastern Cape constitute 17.39 per cent of the country's population of disabled persons. The Province has 10.79 per cent of the total number of special schools.

In South Africa, a person with a disability who has no education is 60 per cent likely to be in the lowest income category, whilst 44 per cent of persons without disabilities are likely to end up in the lowest income bracket. People with disabilities are often confined to less-meaningful employment, with little decision-making and male-dominated authority.

Creating job opportunities

Ikhwezi encourages the creation of job opportunities through: skills training; training in high-quality production; liaising with government departments; engaging community projects; and encouraging tertiary education.

Ikhwezi graduates' employment record

Based on recent statistics on 125 Ikhwezi graduates: 26 are employed in their own businesses at home; 25 are employed by the Government following on-the-job training at Ikhwezi; 15 are employed with projects (i.e. Sibabalwe, Velaphi Projects) and 30 went on to further education.

Community outreach

In terms of community outreach, the Society offers an assessment and referral centre and job search assistance in the Eastern Cape. The project also works in partnership with Cheshire Homes and Sakhi Ngomso Pumlani training project.

Ongoing programme objectives

Other programme objectives include:

- *Prevention and community awareness* programmes focusing on promoting prevention, early identification and intervention of disability to fight against neglect and abuse.
- *Poverty alleviation* addressing unemployment issues through offering skills training to disabled people.
- *Capacity building* through two main avenues:
  - A computer literacy programme for disabled people with links to government, the public sector and employment opportunities.
  - A business incubation, production and marketing project for aspiring entrepreneurs with and without disabilities.

4.2.6 Recent developments in skills acquisition for persons with disabilities in Malawi

Ms Naomi Kamanga, Centre Manager, Malawi Council for the Handicapped (MACOHA) and Mr Montford Chazama, Chairperson, Federation of Disability Organizations of Malawi (FEDOMA)

Malawi has a population of 12 million people, of which 4.18 per cent or half a million people have a disability[2]. Malawi has launched a variety of initiatives to facilitate skills acquisition for persons with disabilities including the following:

Policy

The Policy on the Equalization of Opportunities for Persons with Disabilities launched on 8 July 2006 is a vital tool for mainstreaming of skills training for disabled persons in public institutions and other training providers. It contains a section focusing on economic empowerment and specifically calls for "*increased access to technical, vocational and entrepreneurial training for persons with disabilities*". The strategies highlighted as a means for achieving this include:

- Promoting the development of a national programme of action for vocational guidance, training and rehabilitation of disabled persons.
- Facilitating adaptations to and provision of support mechanisms to existing vocational training colleges to make them more inclusive and responsive to the needs of persons with disabilities.
- Facilitating the integration of national norms and standards for the training, testing and certification of disabled persons into the National Trade Testing.

Introduction of new skills in training institutions for disabled persons

The Malawi Council for the Handicapped (MACOHA) established by the Handicapped Persons Act, 1971, is an institution that implements Government policies by providing rehabilitation programmes and services and promoting public interest for the empowerment and integration of people with disabilities in order to achieve an inclusive society. MACOHA has introduced courses in financial accounting, information technology, secretarial studies, refrigeration and fabric painting.

Introduction of new skills in the CBR training programme

Since there are limited training opportunities for disabled persons with low education, upgrading courses in vocational training institutions through CBR programmes is one of the solutions sought. The new skills to be introduced involve less theory and more practice. Cassava chips making, bakery, chicken and beef roasting, concreting, sign writing, painting and decoration are among the skills introduced in the CBR training programme.

[2] Federation of Disability Organizations of Malawi (FEDOMA), University of Malawi, *Sintef Report 2004*.

Upgrading of trainers and trainees by TEVETA

Curricula under the CBET system are being developed to ensure acquisition of basic skills in relevant skills to the trainee. In addition, the development of an accredited system for both trainers and trainees in the CBR is underway.

Inclusion of persons with disabilities in mainstream technical colleges (Soche Technical College)

The physical environment of the technical colleges has been rehabilitated and made accessible to persons with various disabilities. For example, ramps and rails have been installed and lecturers have been trained in Braille and sign language. There is provision for 30 students to be trained every year, and a total of 26 students are currently undergoing training.

Soche Technical College offers training in financial accounting, secretarial studies, information technology, human resource management, painting and decoration, bricklaying, plumbing and tinsmith, carpentry and joinery, motor vehicle mechanics, electric engineering. All skills are accessible to persons with disabilities depending on the nature of disability.

Some training equipment is in the process of being adapted to enable trainees who are blind or visually impaired to use them (for example, computers).

Technical Cooperation – Norwegian Association for the Disabled (NAD)

NAD has supported a CBR programme on improving vocational skills among persons with disabilities which is being implemented in Balaka, Machinga and Blantyre districts. A total of 300 disabled persons have been trained under this programme. NAD has also funded a project on promoting access to technical colleges for youth with disabilities, which is being piloted by Soche Technical College, as well as the introduction of the new skills and upgrading of existing courses at MACOHA's vocational training colleges.

Promoting the employability and employment of disabled persons

The recently-launched policy also has an objective of *"improving equal access to open employment for persons with disabilities"* through the following strategies:

- facilitating the development and implementation of legislation on empowerment, equity to protect jobseekers and workers with disabilities against unfair discrimination;
- promoting an inclusive work environment that accommodates diversity;
- encouraging employers to provide necessary adaptive equipment to enable men and women employees with disabilities to do their jobs efficiently; and
- promoting adaptation of work premises to guarantee safe access for male and female employees with disabilities.

In addition, with a view to promoting the employability and employment of disabled persons, the following initiatives have so far taken place:

- advocacy on equal opportunities and treatment and rights-based approach in policies and programmes concerning the training and employment of people with disabilities through meetings with employers, civil society and stakeholders;
- employer awareness-raising workshops on the potentials of disabled people;
- support to media campaigns aiming to promote positive images of disabled people at work and to overcome stereotypes and mistaken assumptions; and
- negotiations on paid placements for disabled people in order to accord them with some experience and improve their opportunities to gain decent employment.

Inclusive training in specialized institutions

Since the disability policy focuses on the inclusion of disabled persons into mainstream society, special training centres for disabled persons have now adopted an inclusive approach to training. The training curricula for these specialized centres have been revised to meet national standards and are currently waiting for approval from Malawi National Examinations Board. The curricula for the newly-introduced courses have been certified as meeting national and international standards (Pitman, PAEC, City and Guilds, ACP).

At present, the enrolment ratio is two out of three trainees have a disability.

Mainstream technical colleges

An awareness programme, endorsed by the Minister of Education and Vocational Training, was conducted for principals of public technical colleges. The course, conducted at Soche Technical College, focused on how to make technical colleges accessible to persons with disabilities. It is hoped that the recent move by mainstream technical colleges to make their services available to disabled persons should facilitate the access of more persons with disabilities to marketable skills.

In addition, to facilitate access to training opportunities, trainees with low income have been awarded scholarships to enable them to access skills training at mainstream technical colleges.

4.2.7 Recent developments in skills acquisition for persons with disabilities in Zambia

4.2.7.1 Mr Chola Kafwabulula, Legal Expert, Disability Initiatives Foundation (DIF)

In Zambia, many people with disabilities seeking to acquire skills to better their employment prospects are forced to undertake courses out of convenience and for the sake of interest or ability. For example, there are many disabled lawyers in Zambia because the Law School is on the ground floor, but sciences are on other inaccessible floors. Another example is seen in the low value-added skills reserved for disabled persons. Though one may have an I.Q. of 120, they will still be trained in tailoring or tie and dye simply because they have a disability. Many people with disabilities have been brainwashed into thinking that lower end skills are reserved for them to the extent of even fighting with non-disabled persons to

keep menial low value-added jobs reserved for disabled people. For example, when non-disabled persons are employed as switchboard operators, many disabled persons have lobbied for non-disabled persons to find other jobs so that these jobs are left for disabled persons.

People with disabilities need to be able to choose what skills they want to attain and not have these dictated by society on the basis of the nature of the disability they have. The ability (for example, I.Q.) to undertake the skills is key, but also the built environment has to be accessible for persons with disabilities to participate equally in the training course.

Legislation that requires the built environment to be accessible to persons with disabilities and imposes heavy penalties for breaches is an important enabling factor that can facilitate skills acquisition for disabled persons.

Public awareness of disability issues, especially in Government offices and for law enforcement officers, is also essential. In Zambia, some law enforcers have learnt basic sign language since the bill of rights says that anyone who is arrested has the right to be communicated to in a language they understand. In addition, in terms of long-term and sustainable public awareness, disability should be put on the school curricula like HIV and AIDS and religious studies.

4.2.7.2 Mr Cretus Kapato, Vice Principal, National Vocational Rehabilitation Centre (NRVC), Ndola, Zambia

Barriers to training and employment faced by disabled persons

Offensive cultural norms (for example, preferring to educate a non-disabled child as opposed to the child with a disability in households), perpetuation of the medical model, unfriendly built environments are also issues that hamper the training and employment of disabled persons. In Zambia, several hindrances for disabled people to access training and employment are evident. For example, the poor national economy and weak industrial base mean that repairing or accessing equipment is problematic. Having a weak disability movement also means that advocacy suffers.

National Vocational Rehabilitation Centre (NRVC)

The NRVC in Ndola, Zambia, is a vocational training centre for people with disabilities established by the Ministry of Labour in the 1970s. NRVC is regulated by the Technical Education, Vocational and Entrepreneurship Training Authority (TEVETA) and the Exam Council of Zambia and has the capacity for 150 students.

Since NRVC was established 29 years ago, the Centre has never been reviewed. Ministers have visited, but nothing has ever been done. When issues are raised, people suggest that we are being *"emotional"* and *"passionate"* and should separate *"having a disability"* from the *"role of being a vice-principal"*. This is a challenge, to move things forward past these and other attitudes.

The Centre needs to be revamped to provide demand-driven programmes. Reverse mainstreaming should be a feature of the Centre, where 5 per cent of all positions

are reserved for non-disabled persons. Although this reverse mainstreaming approach has been attacked by the media, the reality is that by excluding non-disabled people, we are reinforcing the medical model attitudes.

There is one college which trains teachers in how to facilitate training of disabled persons. This has not been effective and needs to be looked at. Advocacy is key from a strong disability sector as is working together to achieve the common goal of employment and training of disabled persons.

5. Drawing the strings together: Making a difference for people with disabilities through laws and policies and programmes in South Africa

During the workshop, in working group sessions and panel discussions, participants debated steps that needed to be taken to improve training and employment opportunities for people with disabilities in South Africa. The working groups included a cross-section of participants including government, workers' organizations and DPOs. At the three panel discussions, Government, workers' organizations, DPOs and service providers were represented.

Working group sessions and panel discussions focused on the following questions:

- What actions need to be taken in order improve the impact of laws and policies concerning the training and employment of people with disabilities?
- What policy approaches should be adopted in order to enhance the access to marketable skills for persons with disabilities and what strategies are required to achieve it?

Participants also prioritized steps to be taken and identified various actors to be involved to operationalize the priority actions. The issues and recommendations arising from these debates were presented at the final session of the workshop. These are summarized below.

Who should be involved in improving opportunities?

Participants were asked to identify the different actors who need to be involved in the process of improving training and employment opportunities for persons with disabilities in South Africa.

It was agreed that a multi-sectoral, holistic approach was required if people with disabilities are to be enabled to participate in all aspects of society. Thus, all Government departments should be more involved in developing and implementing the laws and policies concerning disabled persons, under the coordination of a strengthened Office on the Status of Persons with Disabilities, whose role in enforcing and monitoring the implementation of the law should be reinforced. Other stakeholders whose involvement is central include: educational institutions, the Sector Education and Training Authorities, other training providers, DPOs, employers and their organizations and trade unions. Civil society organizations can play an important role in the provision of certain services, such as on-the-job training and job-coaching in a supported employment framework.

It was also agreed that collaborative partnerships between the stakeholders would be beneficial in making progress on disability issues. The involvement of employers in such partnerships was seen as a key priority.

Implementing the laws and policies – What needs to be done?

Steps are required to improve the implementation of laws concerning persons with disabilities, which is currently problematic. These should include the following recommendations.

Revisit legislation

- The relevant legislation, including the Constitution (Chapter 2, Section 9), should be reviewed from a disability perspective, involving representatives of disabled persons in this process. The introduction of a range of incentives such as tax rebates should be considered to encourage companies to employ persons with disabilities; punitive measures should also be considered for non-compliance with the provisions of the law.
- Clear guidelines for applying the laws should be developed, giving advice on reasonable accommodation, as well as the application of incentives and punitive measures.

Strengthen, monitor and evaluate implementation

- The structures in place to implement the laws and policies need strengthening: the OSDP in particular should be strengthened to play a stronger coordination and information dissemination role, with clearly-defined functions, and to operate in a more transparent and accountable way.
- Steps should be taken to ensure that all Departments are more actively involved, possibly through the introduction of targets for government officials in relation to implementation.
- The work of different agencies should be better coordinated.
- Persons with neurological, psychiatric and intellectual disabilities who could be said to experience *"second tier of discrimination in the disability sector"* should be provided with more support in general, as they are often forgotten or ignored in various schemes.
- People with disabilities should be included in sustainable livelihood initiatives.
- The implementation of the laws and policies should be monitored and evaluated, by establishing a structure which includes representatives of the Departments of Education and Labour, the SETAs, DPOs and civil society representatives.

Review disability grants

- The operation of disability grants should be reviewed by the Department of Social Development (DOSD) in collaboration with the disability sector, to ensure that these encourage the transition to training and the labour market, rather than discouraging this through fears of forfeiting the grant itself and the related benefits (such as medical assistance and assistive devices) and the right to re-register.
- In this review, the appropriate purpose of disability grant, that is, as a supplementary support income, rather than as income replacement, should be reinforced.

- Provision of disability grants while a disabled person is in employment should be considered, to ensure disabled people are not discouraged from gaining employment.

Improve access to credit

- Access to business start up and development funding and opportunities should be improved.

Raise awareness

- Awareness campaigns should be carried out to inform different groups in society about the laws, and break down stereotypes in society. Employers and government officials in particular should be targeted.
- Awareness creation schemes on disability issues should be developed at primary, secondary and tertiary education institutions.
- An advocacy tool should be commissioned, in the form of a guide for employers, government and the disability sector and the wider community, reflecting the business case for the inclusion of disabled persons in the workforce.
- Issues surrounding employing personal assistants for disabled people and cost implications should be clearly explained in a way that employers see the long-terms gains over short-term costs.

Disseminate information

- Information on laws, funding sources, training opportunities and research findings should be made widely available to people in all areas, including urban, peri-urban and rural areas.
- Information should be made available to disabled persons about their rights of recourse under the laws, and of the existence of equality courts.
- Access to information should be improved through a variety of means – electronically through the national accessibility portal, through newsletters of trade unions, roadshows, media exposure, as well as through educational institutions and private-public partnerships.

Strategies for skills development in South Africa – What is the way forward?

Undertake a skills audit

- The OSDP, the Department of Labour and the Thabo Mbeki Trust will undertake a skills audit of disabled persons to identify skills gaps and develop a ten-year skills development plan.
- Existing SETA skills audits should be used to guide the disability sector, training and learning institutions, to ensure that training provided by primary, secondary and tertiary level institutions correspond with market needs.

Improve relevance of skills training

- The private sector in collaboration with the SETAs, government departments and the disability sector should be key partners in skills development for disabled persons.

- A skills development committee will be established including representatives from the disability sector and other key stakeholders.
- Agreements on skills development should be drawn up with employers and other stakeholders, with a view to building capacity to meet employers needs.
- Employers, skills and the disability sectors should be involved in the designing and approval of learnerships.
- Steps should be taken to ensure that all training providers are accredited.

Make all skills training accessible

- Skills programmes, learnerships, bridging and life skills courses, and vocational rehabilitation should be accessible to disabled persons, providing them with training opportunities in multiple skills.
- Opportunities should be provided for disabled persons to acquire core skills so as to allow them to perform better in employment.
- More short courses should be financed by the National Skills Fund.
- A review of entry criteria for learnerships should be undertaken, as these are often at National Qualification Framework (NQF) level 4, and effectively exclude persons with disabilities with lower levels of education.
- More tailored learnerships geared to persons with NQF levels 1, 2 and 3 should be developed, along with pre-learnership programmes enabling learners to progress into formal learnerships.
- Incentives should be considered to encourage more companies to engage in on-the-job training and job coaching for people with disabilities. (for example, Ireland's successful job coaching projects, especially for people with Down Syndrome).

Improve SETA interventions for disabled people

- The impact of the SETAs' interventions in terms of the number of disabled persons trained who move on to meaningful employment should be reviewed. In particular, improvements should be made to the learnership programme to facilitate that more learnership graduates with disabilities are employed/accessing employment.
- The SETA communications structures should be reviewed because disabled persons' representatives on SETA boards are not actively spearheading the disability agenda.
- More SETAs should work closely with disability sector and on training programmes for disabled persons. For example, DEAFSA and HWSETA have successful three joint programmes dealing with sign language interpretation and social auxiliary work, in which DEAFSA developed the curriculum and HWSETA the training programmes. In addition, DEAFSA has also worked with the Forest Industries Education and Training Authority (FIETA SETA) on forestry.
- A conference to review the SETAs and their contribution to skills development for people with disabilities.

Prepare teachers and training environment

- Assessments measuring how disability-friendly training institutions, tutors, courses, admission staff and processes are should be made to ensure and, where relevant, modified to ensure that they are non-discriminatory to disabled persons.
- SETAs should provide bursary funds to organizations to train coaches and mentors.
- Skills Development Facilitators (SDFs) need guidelines to assist them in accessing assistive devices, provided for under the National Skills Development Strategy (Principle 3).

Training to work transition

- Coaches and mentors should be sensitized in how to facilitate persons with different disabilities as they proceed to assist them in advancing within the labour market.
- Workplace audits should be carried out to combat barriers to participation and develop strategies that convince employers' organizations of the contributions disabled people can make to business.

General recommendations

Disability Movement

- DPOs should work to build their organizational capacity, aiming to speak with one voice, through one body.
- DPOs should be empowered to disseminate information to disabled persons.
- DPOs should assess whether they have a role in skills development and employment or whether they are to be welfare organizations.
- DPOs should involve non-disabled people in initiatives within the disability sector concerning advocacy, awareness raising, gender sensitivity, and sensitization of private sector employers.
- DPO skills programmes aimed at strengthening DPOs should be co-funded by National Skills Fund (NSF) so that DPOs are able to offer preparatory training for the world of work to their members.

Employers

- The existing *'recruitment on the minimum standards of potential'* approach-should be applied to people with disabilities. This should be *'unpacked'* for human resource practitioners as people with disabilities are not ready-made for positions in companies.
- Industry charters should be developed to improve the employment of disabled persons, reflecting the ratings under the Broad Based Black Economic Empowerment codes.

Trade unions

- Disabled people should be involved in the bargaining process with employers on education and training, reasonable accommodation, skills development and sensitizing employers on the potential of disabled people.

Media

- Media should promote positive images including successful examples of disabled workers, employers, disabled people being trained, and generally persons with disabilities in a variety of fora.

Health services

- Health services should change views that perpetuate a "*write off*" label on people with disabilities and promote a view of disabled people as capable of working and contributing positively to society.

Transport

- The Department of Transport should look at how to achieve accessible transport for people with disabilities immediately in consultation with the disability sector and other relevant stakeholders, since transport is a real barrier preventing many disabled people from accessing training and employment opportunities.

Follow-up after the workshop

- Recommendations from the workshop report should be taken forward though a committee composed of the participants of the workshop under the OSDP lead.

6. Closing

In her closing remarks, **Cynthia Yinusa, Deputy Director, ILO Pretoria**, welcomed the recommendations of the workshop, in particular the focus on monitoring and evaluation, as well the conducting of a skills audit. She highlighted the importance of coordination and pulling together expertise in order to facilitate the access of disabled persons to training and employment opportunities, rather than operating in silence, arousing suspicion and generating inefficiency. The lack of coherence between skills development and the labour market was noted. Therefore, she emphasized the ILO's support for this initiative which should assist in informing how to better forge linkages between supply and demand in the labour market in South Africa.

South Africa has been dealing with the issue of accrediting trainers and has set up innovative mechanisms to address the skills gap, but there is still much to do to improve the quality of skills development, including the accreditation of training providers. The value of sharing good practices in the area of skills development and exchange programmes to create opportunities for cross-country learning was welcomed by Ms Yinusa.

Following the workshop deliberations, Ms Yinusa said that the ILO (both locally and internationally) would be willing to work in closer cooperation with the OSDP, particularly to facilitate the development of a working relationship with the private sector. The ILO has already been in contact with the Chamber of Commerce and Industry South Africa (CHAMSA) which is currently setting up a disability. Employers are an important partner and the ILO is enthusiastic about facilitating and developing linkages between the disability and the private sector.

Since ILO Pretoria Office covers five countries (Botswana, Lesotho, Namibia, South Africa and Swaziland), Ms Yinusa emphasized that while the Office gives its support, it also has to respond to the needs of other countries. Therefore, the Office will only prioritize its response to needs that are clearly articulated by partners and that also show the commitment on the partners' part.

With these remarks, she thanked the participants on behalf of the ILO for their active involvement and wished them a safe homeward journey.

Annex 1: List of Participants

ILO Tripartite National Workshop
People with Disabilities: Pathways to Decent Work
19–21 September 2006, Pretoria, South Africa

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Annex 2: Programme

ILO Tripartite National Workshop
People with Disabilities: Pathways to Decent Work
19–21 September 2006
Pretoria, South Africa

Tuesday, 19 September: Legislative and policy framework

08:00 – 09:30	Registration	
09:30 – 10:00	Opening session	
	Moderator:	Barbara Murray, Senior Disability Specialist, ILO Geneva
	Speakers:	Judica Amri-Makhetha, Director, ILO Pretoria
		Mzolisi Ka Toni, Disabled People South Africa Bennette Palime, President's Office on the Status of Disabled Persons
10:00 – 10:30	Coffee/tea break	
10:45 – 11:45	**Training and employment of people with disabilities - The role of legislation**	
		Barbara Murray, ILO (Moderator)
	Enabling disabled persons to find decent work – What is required?	
		Heather Labanya, ILO Geneva
	The legal and policy framework in South Africa	
		Bennette Palime, President's Office on the Status of Disabled Persons
	What are the issues?	
		Mzolisi Ka Toni, Disabled People South Africa
	Discussion	

11:45 – 13:00	**Working Group 1:** **Improving the impact of laws and policies concerning the training and employment of people with disabilities: What needs to be done? Who should be involved? What are the first steps?**	
13:00 – 14:00	Lunch	
14:00 – 15:30	**Implementing the laws and policies – What needs to be done?**	
	Feedback from Working Groups	
		Barbara Murray, ILO (Moderator)
	Panel discussion:	Niresh Singh, Commission for Employment Equity, Ministry of Labour; Diphlowana Joseph Sehlabaka, Federation of Unions of South Africa; Tumi Sengoara, South African Chamber of Commerce; Thulani Tshabalala, Thabo Mbeki Development Trust for Disabled People.
	Discussion	
15:30 – 16:00	Coffee/tea break	
16:00 – 17:30	**Pointing the way forward: What can South Africa learn from international trends in labour-related legislation for people with disabilities?**	
		Barbara Murray, ILO; Zain Bulbulia, President's Office on the Status of Disabled Persons.
	Discussion	
18:30	**Reception**	

Wednesday, 20 September: Skills development

09:00 – 09:15 Welcome and review of Day 1

Barbara Murray, ILO
Participant

09:15 – 09:30 Introduction to Day 2 Barbara Murray, ILO

09:30 – 10:45 **Skills acquisition for persons with disabilities in Southern Africa**

Introduction Pia Korpinen, ILO (Moderator)

Project findings – South Africa

Marguerite Schneider, Human Sciences Research Council

Individual story – a disabled person speaks of her experience in acquiring skills

Sandra Rina Tyler, Social Worker

Discussion

10:45 – 11:15 Coffee/tea break

11:15 – 13:00 **Effective skills training – Examples of good practice and innovation: Building on experiences from South Africa and elsewhere**

Barbara Murray, ILO (Moderator)

Including disabled trainees in general vocational education and training

Devilliers Rolihlahla, Services SETA

Training in a special programme

Gabriel Riddle, Ikhwezi Lokusa Project

Discussion

Skills training for people with disabilities in Zambia:
Recent developments

Cretus Kapato, National Vocational Rehabilitation Centre, Ndola;

Chola Kafwabulula, The Disability Initiatives Foundation.

	Skills training for people with disabilities in Malawi: Recent developments	
		Naomi Kamanga, Lilongwe Vocational Training Centre;
		Montfort Chazama, Federation of Disability Organizations in Malawi.
	Discussion	
13:00 – 14:30	Lunch	
14:30 – 15:30	**Working Group 2:** **Access to marketable skills by persons with disabilities:** **What are the issues to be tackled? What strategies are required?** **Who should be involved? What are the first steps?**	
15:30 – 16:00	Coffee/tea break	
16:00 – 17:30	**Strategies for skills development in South Africa – Feedback from Working Groups**	
		Barbara Murray, ILO (Moderator)
	Panel discussion:	Devilliers Rolihlahla, Services SETA; Nimla Pillay, National Council of Trade Unions; William Rowland, Thabo Mbeki Development Trust for Disabled People.
	Discussion	

Thursday, 21 September: The way forward

09:00 – 09:15	Welcome and review of Day 2	
		Barbara Murray, ILO Participant
09:15 – 11:15	**Making a difference for people with disabilities through laws, policies and programmes in South Africa: What are the priorities for action?**	
	Panel discussion	Zain Bulbulia, President's Office on the Status of Disabled Persons; Niresh Singh, Commission for Employment Equity, Ministry of Labour; Joseph Sehlabaka, Federation of Unions of South Africa Representative; Devilliers Rolihlahla, Services SETA; Mzolisi Ka Toni, Disabled People South Africa; Joy Mehlomakhulu, South African Human Rights Commission.
	Discussion	
11:15 – 11:45	Coffee/tea break	
11:45 – 12.30	**The way forward? Summing up and closing**	
		Cynthia Yinusa, Deputy Director, ILO Pretoria
12:30 – 14:00	Lunch	