

Businesses more aligned with the needs of disabled employees

Not only are South African employers taking heed of the legislation that governs the treatment of employees with disabilities - define by the Employment Equity Act as persons having a physical or mental impairment, which is long-term or recurring and which substantially limits activities - they are also taking advantage of skills development related tax rebates and the advantages of learnerships designed to boost HR capacity.



Nicol Myburgh

People with disability in the workplace, as defined by the Employment Equity Act, are thus protected by legislation. CRS Technologies has an established legal services division that assists clients in complying with legislation – and this becomes especially important in dealing with complicated and sensitive issues.

South African labour legislation includes the Employment Equity Act (EEA) and the Code of Good Practice on Key Aspects of Disability in the Workplace. The EEA requires the employer to implement affirmative action in respect of groups which are viewed as previously disadvantaged.

Accommodating employees with disabilities

Nicol Myburgh, says that aside from the key fact that this legislation clearly stipulates that no one may unfairly discriminate against a person on the grounds of disability, another significant aspect is that it sets the parameters for how employers should accommodate people with disability.

“Employers should reasonably accommodate the needs of people with disabilities by adopting the most cost-effective means that are consistent with removing the barriers to job performance. This includes the recruitment and selection process in the work environment, the way work is usually done, evaluated and rewarded, as well as the benefits and privileges of employment,” says Myburgh.

There are clear examples of ‘reasonable accommodation including adapting existing facilities to make them more accessible, adapting existing equipment or acquiring new equipment including computer hardware/software, and providing readers and sign language interpreters.

Myburgh adds that according to the law, if the reasonable accommodation would cause unjustifiable hardship to the employer, that the employer is legally permitted not to oblige.



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Greater understanding

From a CRS Technologies point of view, the market is making progress in its understanding of the needs of workers with a disability. CRS believes there are more sensitivity and awareness, and this has filtered through to strategy development and implementation in Employment Equity (EE) committees and HR forums.

This increase in understanding has another layer of benefit to businesses, specifically with regards to skills development. Companies that actively invest in learners with disabilities could be eligible for tax rebates of up to R100,000 per learner.

“There are many other benefits to implementing a learnership in your organisation, including cash grants and Contribution towards the BEE scorecard. The specific target for skills spend on people with disabilities of 0.3% of the payroll counts for three points towards the BEE scorecard, the learners would also then support the EE target of 3% of employees as persons with disabilities for two points,” Myburgh continues.

CRS Technologies advises the market to exercise caution when attempting to dismiss an employee due to incapacity if such an employee has a disability. The safer option is to get assistance and guidance from a professional.

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