

Disability Policy Guideline

Our commitment towards a society for all, will become a reality - From Policy to Practice



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA



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Disability Policy Guideline

Minister Gwen L Mahlangu-Nkabinde

Foreword

The national Department of Public Works' Disability Policy Guideline demonstrates the Department's commitment to persons with disabilities in the execution and realisation of its mandate.

The Disability Policy Guideline does not only focus on the Department's commitment to improve public buildings to be more user friendly, but also strives to economically empower persons with disabilities.

In this regard, the Department commits itself to increase the number of persons with disabilities benefiting from its programmes and also contributing to the mainstream economy of South Africa.

The Disability Indaba held in Cape Town on 15-16 October 2009 under the theme ***"Nothing about us without us"*** set in motion the development of this Policy Guideline which intends to entrench the rights and dignity of persons with disabilities.

With South Africa being a signatory to the UN Convention on the Rights of Persons with Disabilities and its optional Protocol, the establishment of the Ministry of Women, Children and Persons with Disabilities and the effective implementation of the Integrated National Disability Strategy, is a sincere demonstration that as a country, South Africa is indeed committed to improving the quality of life of persons with disabilities. This Policy Guideline is the Department's contribution towards realising a society where people will benefit.



“The primary objective of the Disability Policy Guideline¹ is to move from policy to practice, through a set of commitments to disability policy provisions and targets in the realisation of the Department’s mandate. In implementing this Policy Guideline, the Department will adhere to the principles of universal design comply with any other measure as determined in any international, regional and national instrument that informs the design of products, the environment, programmes, and services that are usable by all people to the greatest possible extent, without the need for adaptation or specialized design. “Universal design” does not exclude assistive devices for particular groups of persons with disabilities.

The National Department of Public Works will take measures to the maximum of its available resources and where needed within international and national cooperation with a view to progressively achieving the full realisation of this Policy Guideline. In the implementation of this policy the Department endeavours to establish partnerships with various stakeholders in the public and private sectors.”

1 The term Disability Policy Guideline is used interchangeably with Policy Guideline.

LIST OF ACRONYMS

BEE	Black Economic Empowerment
B-BBEE	Broad-Based Black Economic Empowerment
CBE	Council for the Built Environment
CETA	Construction Education Training Authority
CIDB	Construction Industry Development Board
ECD	Early Childhood Development
EPWP	Expanded Public Works Programme
GIAMA	Government Immovable Asset Management Act
ILO	International Labour Organisation
INDS	Integrated National Disability Strategy
NBAC	National Bid Adjudication Committee
NGO	Non Governmental Organisation
PEPUDA	Promotion of Equality, Prevention of Unfair Discrimination Act
PSA	Public Service Administration
RBAC	Regional Bid Adjudication Committee
SCM	Supply Chain Management
SCMP	Supply Chain Management Policy
SMME	Small Micro Medium Enterprise
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UIF	Unemployment Insurance Fund

BACKGROUND

The Department of Public Works (herein referred to as the “Department”) is mandated to provide land and accommodation to national government departments and institutions, administer such land and accommodation and therefore plays a custodial function of government’s immovable assets. It also provides strategic leadership to the construction and property industries, and coordinates the implementation of the Expanded Public Works Programme (EPWP).

The Department draws its mandate from, among others, the Government Immovable Asset Management Act (GIAMA), (Act No.19 of 2007) its two White Papers – Public Works Towards the 21st Century (1997) and Creating an Enabling Environment for Reconstruction, Growth and Development in the Construction Industry (1999) and the State Land Disposal Act (Act No.48 of 1961).

In the White Paper (1997)² it is stated that the Department would contribute to achieving Government’s social and economic goals by:

- (a) promoting sustainable economic growth,
- (b) redistributing income in favour of the poor through the immediate provision of opportunities for citizens to undertake useful work,
- (c) creating sustainable employment,
- (d) actively supporting small, medium and micro enterprises (SMMEs), cooperatives and non-profit NGOs, and
- (e) actively promoting affirmative action in respect of race, gender, youth and the integration of persons with disabilities as producers and consumers of services, etc.

While the Department endeavours to achieve its commitment of integrating persons with disabilities into its operations and programmes, this has not reached full potential. Going forward the Department commits to include disability in its policies, programmes and projects.

In delivering upon its mandate, the Department must ensure that all citizens have access to Government services. This Disability Policy Guideline will:

- (a) ensure that Government buildings are accessible and user-friendly to persons with disabilities,
- (b) review, give effect to and recognise disability in the Department’s SCM system, and
- (c) increase the number of persons with disabilities benefiting from the Department’s projects and programmes.

The Policy Guideline does not provide technical specifications to be used in making buildings accessible; neither does it intend to regulate the construction industry.

2 Public Works Towards the 21st Century

INTRODUCTION

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) defines disability as an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full participation in society on an equal basis with others.

The UNCRPD in its preamble and general principles recognises the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, to enable persons with disabilities to fully enjoy all human rights and fundamental freedoms.

Article 9 of the Convention addresses the fundamental issue of accessibility by stating that member states should identify and eliminate obstacles and barriers and ensure that persons with disabilities can access their environment, transportation, public facilities and services.

The Preamble to the Constitution records South Africa's commitment to the attainment of social justice and the improvement of the quality of life for everyone. The Constitution declares the founding values of our society to be "human dignity, the achievement of equality and the advancement of human rights and freedoms".

The Bill of Rights (Chapter 2 of the Constitution) highlights equality of all persons, specifically mentioning the right to equality and non-discrimination on the basis of, amongst others, disability.

The White Paper on an Integrated National Disability Strategy (INDS) of 1997 represents a paradigm shift in the conceptualisation of disability from the medical or welfare model (which views persons with disabilities as unable to be productive and in need of care) to a social model that recognises the rights and the fact that disability is a human rights-and-developmental issue.

The INDS emphasises the need for an accessible environment and acknowledges that barriers in the built environment prevent people with disabilities from participating in society.

Being guided by the above instrument the Department is committed to achieving an inclusive society based on equality for all.

GUIDING PRINCIPLES

The principles guiding the implementation of this Policy Guideline is in keeping with the imperatives of the constitution, the UNCRPD, Promotion of Equality, Prevention of Unfair Discrimination Act (PEPUDA), INDS, Batho Pele Principles, and other related policies.

These principles are:

- (a) Self Representation - to ensure the involvement of persons with disabilities and their organisations to attain the successful implementation of this Policy Guideline.
- (b) Inherent Dignity - to ensure promotion and protection of the inherent dignity and human rights of persons with disabilities.
- (c) Enabling Environment - to facilitate the progressive realisation of access to services and infrastructure by persons with disabilities.
- (d) Recognition of Diversity - to recognise and respond to the special needs of persons with disabilities in their diversity.
- (e) Batho Pele Principles: to be implemented in accordance with Service Delivery Standards.
- (f) Establishment of Partnerships: to recognise organisations for persons with disabilities as users and service providers.



PRIORITISING ACCESS TO PUBLIC BUILDINGS

This Policy Guideline recognises access needs of all diverse disabilities, including lighting, sound, signage, tactile, ramp, parking, ablution facilities, lifts, etc.

The Policy Guideline offers criteria to guide the Department in prioritising public buildings and properties in making them accessible by catering to the diverse needs of persons with disabilities. A special focus will be given to public buildings and properties in rural areas. It presents the Department commitment to ensure persons with disabilities access and derive benefit from Government services and opportunities.

The Department will continue to prioritise the Accessibility Programme through its Strategic Plans by setting disability specific targets and indicators in its monitoring and evaluation framework/system. It would further ensure disability specific reporting in its annual report.

The implementation of the Policy Guideline will be directed by the Department's White Paper – Public Works Towards the 21st Century (1997), the Building Standards Act (Act 103 of 1977), last amended in 1989; the National Building Regulations; and the South African Bureau of Standards (SABS) 0400 Code of Practice. These serve to guide the built environment in design and construction to accommodate the special needs of persons with disability. Part S of SANS 10400, directly addresses issues of accessibility for persons with disability.

Table 1 below provides a Guideline on how to prioritise service points and infrastructure for access.



TABLE 1: The Department's commitments to providing access:

NATURE OF EXCLUSION/ CHALLENGES	SERVICES	OUR RESPONSE
<p>Lack of access to service delivery and social infrastructure</p>	<p>The Department's prioritisation will be informed by Departments that provide essential services to persons with disabilities with a special focus on those that have direct impact on their day-to-day lives. The Department will incorporate universal design principles in the building, renovation or refurbishing of government buildings.</p>	
	<p>Healthcare Service - Primary, Secondary and Tertiary</p>	<ul style="list-style-type: none"> ● Facilitate the development of Minimum Norms and Standards by Provincial Departments for hospitals and clinics. ● Monitor budgets and expenditure.
	<p>Home Affairs Service - Facilities for the registration of births, death, marriages; applications for identification and travel documentation as well as the provision of immigration services.</p>	<ul style="list-style-type: none"> ● Ensure Home Affairs services are accessible in all respects, through a special focus on infrastructure development for people with disabilities.
	<p>Access to Justice – This includes Courts, Police Stations, and Correctional Services.</p>	<ul style="list-style-type: none"> ● Ensure justice services are accessible in all respects, through a special focus on infrastructure development for people with disabilities.
	<p>Education and training – Primary, secondary, vocational and tertiary education institutions.</p>	<ul style="list-style-type: none"> ● Facilitate the development of Minimum Norms and Standards by the Provincial Departments. ● Monitor budgets and expenditure.
	<p>Social Security and Welfare Services – SASSA, pay points, youth and child care centres, psycho-social support facilities, rehabilitation centres, and Early Childhood Development (ECD) centres.</p>	<ul style="list-style-type: none"> ● Ensure social security services are accessible in all respects, through a special focus on infrastructure development for people with disabilities. ● Facilitate the development of Minimum Norms and Standards by Provincial Departments for the provision of welfare services. ● Monitor budgets and expenditure.
	<p>Sports and Recreational - Stadiums, sporting and recreational facilities</p>	<ul style="list-style-type: none"> ● Ensure sporting and recreational facilities are accessible in all respects, through a special focus on infrastructure development for people with disabilities. ● Facilitate the development of Minimum Norms and Standards by Provincial Department for the provision of sporting and recreational facilities and services. ● Monitor budgets and expenditure.

TABLE 1: The Department's commitments to providing access: continued

NATURE OF EXCLUSION/ CHALLENGES	SERVICES	OUR RESPONSE
Lack of access to economic opportunities	The Department's commitment is informed by the Employment Equity Act (1999); and the attainment of the 2% target, as set out by the Public Service Act of 1996, of disabled persons in the employ of the public service. It is guided by the principles of the Black Economic Empowerment Act (2003) and the Broad-Based Black Economic Empowerment Act (2003), and the Property and Construction Charters to facilitate the entry and progression of persons with disabilities into the mainstream economy.	
	Labour centres – provide employment services, UIF payouts, labour complaints, vocational rehabilitation centres, etc.	<ul style="list-style-type: none"> • Ensure labour centres are accessible in all respects, through a special focus on infrastructure development for people with disabilities. • We will comply with ILO Convention 159. • Facilitate the re-skilling of those persons that acquire a disability within our mandate.
	Decent Work	<ul style="list-style-type: none"> • We will ensure that the principle of reasonable accommodation is adhered to in all our programmes and projects.
	Meeting the 2% target of the Public Service Administration (PSA) – including head hunting, ring fencing, etc.	<ul style="list-style-type: none"> • Review and give effect to innovative recruitment practices.
	Immovable Assets – building and land	<ul style="list-style-type: none"> • Promote the ownership of buildings and land by persons with disabilities and in so doing ensure productive use of the land. • Set disability specific targets.
	Provision of Accommodation	<ul style="list-style-type: none"> • We will comply and adhere to the National Building Regulations in all our capital works, rehabilitation and maintenance projects. • Recognise the special needs of designated public representatives.
	Construction Industry Development Board (CIDB) Register of Contractors	<ul style="list-style-type: none"> • Through the CIDB Register of Contractors, the public sector must actively utilise the services of companies owned, controlled and managed by persons with disabilities.
	Council for the Built Environment (CBE) - Registration of Built Environment Professions	<ul style="list-style-type: none"> • Through CBE, minimum norms and standards will be set to facilitate the registration of disabled persons as professionals within the built environment.

SUPPLY CHAIN MANAGEMENT

This Policy Guideline seeks to create an enabling environment that will ensure access and beneficiation for persons with disabilities to economic opportunities created by the Department of Public Works. It does not seek to change the existing SCM systems/ policies but rather to improve the implementation thereof to benefit persons with disabilities. It reinforces the preferential procurement point system in order to address socio-economic issues, value for money and the scoring of bids.

The SCMP facilitates the implementation of the principles of the Black Economic Empowerment Act (2003) in acquisition and disposal processes, thus providing opportunities for persons with disabilities to benefit from the different processes and opportunities that are part of the SCM system.

The Department must ensure that black persons with disabilities, youth, rural inhabitants and the unemployed, form between 2% and 3% of the beneficiaries of all elements of the generic scorecard in relation to the SCM as defined in the Broad-Based Black Economic Empowerment Act (B-BBEE).

Procurement practices will recognise the special needs of persons with disabilities in their diversity during its planning and budget allocations within the SCM systems and processes (e.g. location of the tender box, tender documents, score sheets, composition of the bid committee, access to collection and drop-off points, etc.)

Table 2 states the Department's commitments to ensure that persons with disabilities benefit from SCM management systems, processes and opportunities.



Table 2: The Department’s commitments related to SCM

NATURE OF EXCLUSION/ CHALLENGES	SERVICES	OUR RESPONSE
<p>Lack of access to Supply Chain services</p>	<p>Service provision to persons with disabilities is a right which the Department respects. Socio-economic rights should be accessed by persons with disabilities .</p>	
	<p>Self Representation: persons with disabilities be included in the NBAC and RBAC</p>	<ul style="list-style-type: none"> Facilitate the representation of persons with disabilities in the Bid Specification/Evaluation Committees and the Bid Adjudication Committees (Regional Bid Adjudication Committee (RBAC) & National Bid Adjudication Committee (NBAC)) respectively
	<p>Accessible documentation: includes Braille, large print, electronic and audio formats</p>	<ul style="list-style-type: none"> Ensure that bid documentation is made accessible in various formats when required (we will ensure that no disabled person is disadvantaged due to lack of compliance with the above)
	<p>Communication: includes advertising of tenders, call for proposals, quotations and registration on the supplier database</p>	<ul style="list-style-type: none"> Review our procurement strategy We endeavour to work with organisations of persons with disabilities and individual entrepreneurs by sharing information with them to enable them to circulate the information through their networks Expand database to include and reflect suppliers that represents disability in their various forms Will go on a disability focused supplier registration campaign
<p>Location: drop off and collection points of procurement related documentation</p>	<ul style="list-style-type: none"> Facilitate the prioritisation of the renovation of all buildings where procurement-related services are accessed Ensure that there is accessible parking, entrances to the location of the tender box and the box is placed so that it is accessible by all. 	



Table 2: The Department’s commitments related to SCM: continued

NATURE OF EXCLUSION/ CHALLENGES	ECONOMIC OPPORTUNITIES	OUR RESPONSE
<p>Lack of access to economic opportunities created by the National Department of Public Works</p>	<p>The Department’s commitment to transformation extends to the economy which means that it needs to take measures to ensure that persons with disabilities become active participants, contributors and beneficiaries in the opportunities created by Government. It will put in place measures that will ensure that “working together to rebuild a better South Africa” is realised by persons with disabilities .</p>	
	<p>Participation: relates to persons with disabilities ’s involvement in the built and property environment</p>	<ul style="list-style-type: none"> • Revise the CIDB register to recognise disability as a sector. • Facilitate participation of persons with disabilities within the professional councils. • Facilitate the creation of an enabling environment to promote access by persons with disabilities in the property industry through the Department’s respective initiatives.
	<p>Professional services: involves consultants, project managers, facilities management services and any other technical related professionals</p>	<ul style="list-style-type: none"> • Increase the procurement of services from disabled professionals. • Through the SCM system preference will be given to those suppliers that recognise disability in its different forms.
	<p>Disposals: includes all forms of property the Department intends to dispose off</p>	<ul style="list-style-type: none"> • Will ensure that disability is awarded the highest score utilising SCMP criterion to create a niche in the market which in turn will facilitate entry of persons with disabilities to the market.



Table 2: The Department’s commitments related to SCM: continued

NATURE OF EXCLUSION/ CHALLENGES	PROGRAMMES AND PROJECTS	OUR RESPONSE
<p>Lack of access to developmental programmes/ projects of the Department</p>	<p>The Department’s contribution towards achieving the goals of a developmental state must be informed by the principle that entrenches disability as an integral part in our developmental programmes/projects. Therefore, the Department will ensure through these programmes that persons with disabilities are awarded an opportunity to contribute and benefit in the reconstruction and development of their country.</p>	
	<p>Recruitment: entails advertising and selection processes</p>	<ul style="list-style-type: none"> • Review entry criterion of current developmental programmes/ projects. • Will ensure an increase in the number of persons with disabilities entering the developmental programmes/ projects.
	<p>Adaptation: entails the recognition and response towards the special needs of persons with disabilities in the programmes/projects</p>	<ul style="list-style-type: none"> • Programmes will be evaluated and implemented in a manner that takes into consideration the special needs of persons with disabilities in their diversity. • All the necessary measures will be taken within available resources to ensure that the programmes are implemented in an accessible environment that enhances effective and equal participation of persons with disabilities . • Facilitate the development of training materials and methods that include and recognise disability issues and persons with disabilities within the respective industries the Department is responsible for, in order to maximise the economic opportunities within the mainstream economy.
	<p>Migration: involves the exiting of beneficiaries from the developmental programmes into mainstream economy.</p>	<ul style="list-style-type: none"> • Review the Department’s current exit strategy to ensure an increased number of disabled beneficiaries successfully migrate into mainstream economic activities. • Endeavour to capacitate all exiting beneficiaries to enable them to take up opportunities in the mainstream economy, independently, including access to working capital, finance and credit facilities.

MONITORING AND EVALUATION

The monitoring and evaluation process will be linked to the operational and strategic plans of each business unit within the Department. The business units will use this Policy Guideline to formulate disability objectives and indicators that will be monitored and evaluated in line with procedures and practice already in place within the Department.

The Department will align its monitoring and evaluation systems to the Government-wide Monitoring and Evaluation Framework and other interventions and introduce disability specific indicators in its reporting formats.

Disability specific indicators will be developed by each business unit and will be monitored on a quarterly basis. This will inform equity compliance and reporting requirements.

CONCLUSION

This Disability Policy Guideline should be read in conjunction with all other policies and guidelines of the Department as it is a commitment to a comprehensive and co-ordinated approach to ensuring that persons with disabilities :

- (a) Have access to Government services and infrastructure as the Department continues to make Government buildings accessible and user friendly to the varying needs of persons with disabilities ,
- (b) Benefit from the Department's opportunities as users and providers of our services, and
- (c) Directly benefit from its programmes and projects.

It represents a milestone in ensuring that people with disabilities take advantage of opportunities to participate in the built environment and property sectors.

While adopting a national approach, this Policy Guideline will also ensure that each level of Government retains the flexibility to respond to the sometimes unique characteristics, priorities and challenges of their individual jurisdictions. Together Government will continue to consider measures that will contribute to the empowerment of persons with disabilities .

Looking into the future the Department's planning, budgeting, implementation, monitoring and evaluation will continue to be guided by the notion to create "a better life for all", informed by the principles of creating "a society for all". The Department in partnership with various stakeholders will work together and do more to create an enabling environment for people with disabilities with them and not for them, in keeping with the spirit of "NOTHING ABOUT US WITHOUT US".

KEY CONCEPTS

PEOPLE WITH DISABILITIES	PERSONS WITH DISABILITIES
It is a recognition that there are categories of people experiencing barriers imposed on them by the environment, which makes it difficult for them to perform their daily activities. It does not in anyway refer to what they 'can' or 'cannot' do (abilities or disabilities).	It is a recognition and a confirmation that this category of people is not a homogeneous group but belong within the same classification allocated by humanity to each other for purposes of identity. It does not in anyway refer to their 'disabilities' or 'abilities' as people (as we would not refer to "black people" as people with "dark skin" but refer to them as black people).
DISABILITY	HANDICAP
It's not an attempt to produce a clear categorisation, nor place value on the disablement or capacities given to bodies, learning and/or communication but rather view it as temporary or permanent inability to perform "normal" activities usually as a result of physical or mental impairment.	A physical or mental disadvantage that prevents or limits an individual's ability to function as others do, prejudicial behaviour that promotes unequal, unjust treatment of people because of the apparent assumed sensory, physical or mental disability.
MAINSTREAMING	INCLUSION
Is the integration of persons with disabilities in a society that does not recognise and respond to their special needs in their diversity where measures are not put in place to remove barriers where the onus is on the individual but not on the collective.	Is the integration of persons with disabilities in a society that recognises and responds to their special needs in their diversity where measures are put in place to remove barriers and where the onus is not on the individual but on the collective.



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Access

My independence relies on my ability to access
the economy, not a disability grant.



My independence relies on my ability to access
services, to be able to care and not have to be cared for.



My independence relies on my ability to access
Government programs, without prejudice.



My independence relies on my ability to go where I want
when I want...without being carried.



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