

1<sup>st</sup> MAY was Worker`s Day but....thousands of people do not have equal access to the labour market.

The South African Bill of Human Rights is viewed by experts as honing in on the individual. However, where employment is concerned it is soon reverts to groups – skin colour and sex are overemphasized and disability is pushed into a poor third position.

Discrimination should be determined by an individual test, but this is often ignored and everything is oversimplified to a quota system.

According to reports the Minister of Labour said in parliament that he prefers the Afrikaans term “regstellende optrede” above “affirmative action” – the one rectifies, the other can possibly be seen as nepotism.

In December 2003 the Technical Assistance Guidelines [TAG] regarding the employment of people with disabilities was introduced by the Department of Labour. This policy document was developed to support the Employment Equity Act [Act No.55 of 1998] and the Code of Good Conduct, to bring more clarity regarding the fair treatment of people with disabilities.

These guidelines endeavour to give information to employers, employees, unions and people with disabilities on how to implement non-discriminatory and affirmative action successfully. After 13 years of freedom the disabled still have to struggle to overcome a mountain of prejudices and skewed assumptions to assert themselves in the workplace. Regardless of certain steps that have been taken, the disabled are still being excluded on many levels – the actual needs of the disabled are not understood.

Thousands of people do not have equal access to the labour market and employers are uninformed regarding the frustrations that go hand in hand with being disabled. The Guidelines offer guidance to those concerned regarding the acceptance of many responsibilities.

Why is this document still not freely available?

According to the guidelines people with disabilities are those who experience prejudice in the workplace because of a physical disability

and/or mental disability. TAG makes certain recommendations to ensure that all people with disabilities are treated on an equal footing with non-disabled persons. Reasonable accommodation and changes in the workplace should ensure that essential functions can still be carried out in specific positions and everybody should be given the opportunity to compete on an equal footing. The reasons why there is discrimination against applications for employment from the disabled are explained.

Medical and psychological evaluation of the disabled is a matter of concern countrywide. Guidelines regarding fair criteria are provided. Processes of employment should be scientific and trustworthy – prejudices against people with disabilities are not acceptable. The policy paper also emphasizes the protection of the rights of the employers.

The nature and cause of the disability of an employee may only be gathered and/or disclosed for a valid legal reason, with the written consent of the person.