



OFFICE OF HEAD OF DEPARTMENT

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CIRCULAR 4 OF 2022

FROM: HEAD OF DEPARTMENT

**TO: OFFICE OF THE MEMBER OF THE EXECUTIVE COUNCIL(MEC)
OFFICE OF THE HEAD OF DEPARTMENT
ALL DEPUTY DIRECTORS-GENERAL
ALL CHIEF DIRECTORS
ALL DIRECTORS
ALL CIRCUIT TEAM MANAGERS,
ALL CHIEF EDUCATION SPECIALISTS,
ALL HEADS OF EDUCATION INSTITUTIONS AND ALL SUPPORT
EMPLOYEES**

**SUBJECT: IMPLEMENTATION OF THE DISABILITY STRATEGY AND DISABILITY
DISCLOSURE FORM FOR THE EASTERN CAPE EDUCATION
DEPARTMENT**

1. Human Resource Management and Development Circular 4/2022 refers.
2. The Disability Strategy of the Eastern Cape Education Department (ECDOE) recognizes persons with disabilities (PWDs) who have long-term physical, mental, intellectual or sensory impairments.
3. We acknowledge that we are not aware of the disabilities of many of our employees. The aim of this strategy is to accommodate these disabilities reasonably, to make it easier to recruit and retain people with disabilities, to provide an opportunity for employees to disclose their disabilities, should they wish to, and to provide reasonable conditions of service for those with disabilities.
4. For your information, we attach the Disability Disclosure forms in English. We will use the information provided in the completed forms to address the needs of employees with disabilities. By completing the forms, people with disabilities will contribute to decision-making in the department on this issue, and will help to identify training needs for career development in the department.
5. We encourage all ECDOE employees with disabilities, both educators and public service staff, to complete a disclosure form in the language of their choice. The strategy defines disability in various ways, namely, physical disability, which includes medical conditions and sensory impairments, and mental disabilities, which include clinically diagnosed illnesses, intellectual impairments, emotional impairments and learning disabilities. These impairments may be either permanent or temporary in nature.



6. According to the Technical Assistance Guidelines on the Employment of People with Disabilities, as published by the Department of Employment, people with disabilities are defined as follows: **Definition** of people with disabilities Section 1 of the Act defines people with disabilities as follows: "People who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment." The three basic criteria covered by the Employment Equity Act:
- a. First, a person must have an impairment, An impairment may either be physical or mental or a combination of both. A physical impairment means "a partial or total loss of a bodily function or part of the body. It includes sensory impairments such as being deaf, hearing impaired or visually impaired" (Code of Good Practice on the Employment of People with Disabilities, Paragraph 5). A mental impairment is a clinically recognized condition or illness that affects a person's thought processes, judgement or emotions. This includes conditions such as intellectual, emotional and learning disabilities. For reasons of public policy, certain conditions or impairments may not be considered disabilities (Code of Good Practice on the Employment of People with Disabilities, Paragraph 5.3.1(iv)).
 - b. Secondly, the impairment must also be long-term or recurring "Long-term" means the impairment has lasted or is likely to persist for at least 12 months. "Recurring" means the impairment is one that is likely to happen again and to be substantially limiting (see Paragraph 5.1.3. below). The condition can go away for a period of time and return again, but it is never cured. It includes a constant chronic condition, even if its effects on a person fluctuate, such as some forms of multiple sclerosis. Progressive conditions are those that are likely to develop or change or recur. People living with progressive conditions or illnesses are considered as people with disabilities once the impairment starts to be substantially limiting. Progressive or recurring conditions which have no overt symptoms or which do not substantially limit a person with no disabilities - for example, a person with cancer, tuberculosis or HIV – would not be covered under the Employment Equity Act until the symptoms are substantially limiting the person's ability to perform their job.
 - c. Thirdly, the impairment must be substantially limiting An impairment is substantially limiting if its nature, duration or effects substantially limit a person's ability to perform essential functions of the job for which he or she is being considered. If the effects of the impairment are not substantially limiting, even if they are physical and/or mental, long-term or recurring, then the person is not covered under the Act. Qualified experts may be used to assist the employer to determine whether a particular impairment is substantially limiting. Alternatively, the employee may be able to provide information sufficient to document this.
 - d. Two categories of impairments are excluded, the first category are impairments which are easily controlled, corrected or lessened so that they have no limiting effects. For example, a person who wears spectacles or contact lenses does not have a disability, unless, even with spectacles or contact lenses, that person's vision remains substantially impaired. An assessment to determine whether the effects of an impairment are substantially limiting must consider if medical treatment or other devices would control or correct the impairment so that its adverse effects are prevented or removed.



- e. The second category refers to what are called public policy exclusions. This means that, for reasons of public policy, certain conditions or impairments may not be considered as disabilities. These include, but are not limited to sexual behaviour disorders that are against public policy; self-imposed body adornments such as tattoos and body piercing;
 - f. compulsive gambling, tendency to steal or light fires; disorders that affect a person's mental or physical state if they are caused by current use of illegal drugs or alcohol, unless the affected person is participating in a recognized programme of treatment; normal deviations in height, weight and strength; and conventional physical and mental characteristics and common personality traits."
7. Those PWDs who decide to complete the disclosure form should note the following:
 - a. They must provide all the personal details requested on the form. They are to submit substantiating documents, disclosing their type of disability. The completed disclosure form and verification letter(s) must be sent to Head Office, for the attention of the Director: Human Resource Planning and Provisioning Services, Steve Vukile Tshwete Complex, Zone 6, Zwelitsha. The information will be checked, and then recorded on an internal database and the Persal system. The information provided is completely confidential and will be kept separate from general personnel records.
 8. Copies of the disclosure form are attached for ease of reference and are also accessible on the ECDOE website for ease of access.
 9. Should there be any further questions regarding this matter, please feel free to contact Mr Qaphela Luthuli at Qaphela.luthuli@ecdoe.gov.za or Mr Lindumzi Komle at Lindumzi.Komle@ecdoe.gov.za alternatively by e-mail on 040 608 4200.
 10. .Kindly bring this circular to the attention of all staff.

DR NB MBUDE
HEAD OF DEPARTMENT: EASTERN CAPE EDUCATION