

GUIDELINES FOR REASONABLE ACCOMMODATION IN THE WORKPLACE, EDUCATION, AND TRAINING FACILITIES

Background on the Legal Rights of Persons with Disabilities

The South African Constitution and various international conventions, such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), recognize the rights of individuals with disabilities. The White Paper on the Rights of Persons with Disabilities (WPRPD) provides a framework for promoting the rights of persons with disabilities.

Categories of Impairment

The WPRPD identifies five categories of impairment:

1. Sensory: hearing, vision, or both
2. Physical: mobility, dexterity, or coordination
3. Psychosocial: mental health, emotional, or behavioral
4. Intellectual: cognitive, learning, or developmental
5. Neurological: brain function, seizures, or other neurological conditions

Barriers that Disable Individuals

The WPRPD identifies four types of barriers that disable individuals:

1. Attitudinal: negative attitudes, stereotypes, or stigma
2. Physical: inaccessible environments, buildings, or transportation
3. Communication: inaccessible information, language, or communication methods
4. Information: inaccessible information, lack of awareness, or understanding

Reasonable Accommodation

Reasonable accommodation refers to the modifications or adjustments made to ensure that individuals with disabilities have equal access to opportunities, services, and facilities. Examples of reasonable accommodation include:

1. Technology: assistive devices, software, or equipment
2. Assistive devices: wheelchairs, hearing aids, or other devices

3. Adjustments: changes to work schedules, tasks, or environments
4. Modifications: changes to buildings, facilities, or equipment

Hearing Loss

According to the World Health Organization (WHO), disabling hearing loss refers to hearing loss greater than 40dB in the better hearing ear in adults and greater than 30dB in the better hearing ear in children. Reasonable accommodation for individuals with hearing loss may include:

1. Amplification: personal hearing aid systems, sound systems, or loop systems
2. Communication support: sign language interpreters, note-takers, or communication assistants
3. Workplace adjustments: favourable seating, reduced ambient noise, or flexible work arrangements

Visual Loss

According to the South African National Government Gazette, a person is considered legally blind if they have acuity of less than 6/60 (or 20/200) in the better-seeing eye or a field of vision less than 20 degrees. Reasonable accommodation for individuals with visual loss may include:

1. Effective lighting: adequate lighting or illumination
2. Assistive technology: screen readers, Braille displays, or other assistive devices
3. Accessible information: Braille, large print, or digital formats

DeafBlindness

DeafBlindness is a combination of visual and hearing loss, resulting in unique challenges and needs. There are different categories of DeafBlindness, including:

1. Congenital DeafBlindness: born with both visual and hearing impairments
2. Acquired DeafBlindness: lose sight or hearing later in life
3. Progressive DeafBlindness: gradual loss of sight or hearing over time

Reasonable accommodation for DeafBlind individuals may include:

1. All requirements for reasonable accommodation of Deaf and Blind individuals
2. Additional assistive devices: Braille display keyboards, Braille Note Takers, or other devices
3. Additional assistive technology: screen readers, magnification software, or other technology
4. Correct placement: placement in a work environment that suits the individual's abilities
5. Recognition of special needs: communication, mobility, access to information, and services

Conclusion

Reasonable accommodation is essential to ensure that individuals with disabilities, including Deaf, Blind, and DeafBlind individuals, have equal access to opportunities, services, and facilities. Employers, education, and training institutions must provide reasonable accommodation to promote inclusivity and diversity.