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## Faculty of Health Sciences

Fakulteit Gesondheidswetenskappe  
Lefapha la Disaense tša Maphelo

# Disability vs ability to work

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### Outline

- Background
- Definition of disability
- People with disabilities
- Models that define disability
- Examples of disabilities
- Legislation
- Interventions
- Inability to work
- Conclusion



# Background

- South Africa is one of the countries ranked the worst with **unemployment**, poverty and income inequalities in the world
- People with disabilities are **unemployed** compared to abled bodied persons
- 8 out of 100 people have a **disability** in South Africa
- One in three disabled people are **able to find job** if not too severe
- It is **difficult** for people with disabilities to find work.



# Definition of disability



**Oxford Dictionary:** A physical or mental condition that **limits** a person's movements, senses or activities.

**International Classification of Functioning (ICF):** Disability is an umbrella term covering **impairment, activity limitations, and participation restrictions**. ICF adds **contextual factors** (environmental and personal factors) that interacts with the components. (WHO, 2001; Proding, Darzins, Magasi, Baptiste, 2015; Meyer, Grenness, ...Hickson, 2016)

**Disability** is the consequence of an **impairment** that may be cognitive, developmental, intellectual, physical, mental, emotional, sensory or some combination of both. (Disability Rights Awareness).



# People with disabilities

**Disability Discrimination Act (DDA 1990):** Disabled person is someone with physical or mental **impairment** that has a substantial and long term adverse effect on their ability to carry out normal day to day **activities**.

**Employment Equity Act (EEA 1998):** People with disabilities are those who have a long-term or recurring physical or mental **impairment** that substantially **limits** their prospect of entry into or advancement in employment.

**Labour Relations Act 1995(COGP):** Expands on EEA with long term or recurring, **impairment**, substantially **limiting**.

# Models that define disability

- **Biomedical** – illness or impairment
- **Philanthropic** – charity
- **Social** – human differences according to social norms
- **Sociopolitical** – people with disabilities or disabled person

# Disability according to ICF entails:

**Impairment** - (body structures and functions), physical, mental, cognitive, intellectual, developmental, sensory.

**Activity limitation** - (substantially **limiting** ability to carry day to day **activities** such as moving, walking, impaired self regulation skills, difficulty reading)

**Participation restrictions** - ADL, IADL (transport), leisure participation (sport), employment (**limits** prospects of entry or advancement in employment), **restricted** education, community life, restricted in vocational training, voting, and socialization.

**Environmental factors** – **barriers** such as public transport, building design, negative attitude, lack of support system, no accommodation

**Personal factors** - age and gender

(WHO, 2001; AOTA, 2014; Prodinge, Darzins, Magasi, Baptiste, 2015; Meyer, Grenness, ...Hickson, 2016)

# International Classification of Functioning, Disability and Health (ICF)

Disability is multidimensional and interactive. Environmental factors affect everything (impairment, activity and participation) and may need to be changed).

Activity and participation are central constructs in OT.

(Hemmingsson, Jonsson, 2005)



# Example of disabilities

- Visual impairments
- Hearing impairments
- Acquired or Traumatic brain injury
- Intellectual disability
- Autism spectrum disorder
- Communication impairment
- Mental health conditions
- Physical disability
- Multiple impairments

(ADA 1990)



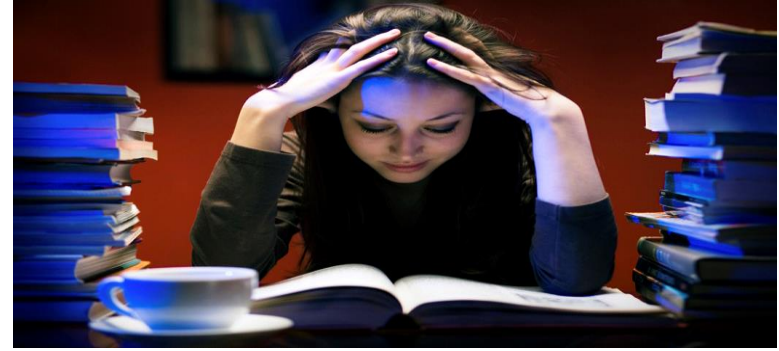
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# What qualifies a disability

- Outcome of individual assessment
- Impairment to carry one or more major life activities (walking, sitting, reading, seeing, and communicating)
- Employees with a progressive condition
- Restriction from work

# Mental health conditions

- Schizophrenia
- Bipolar Mood Disorder
- Post Traumatic Stress Disorder
- Obsessive Compulsive Disorder
- Anxiety Disorder
- Major Depressive Disorder



(DSM-5)

# Physical disability

- Acquired or Traumatic brain injuries
- Epilepsy
- Cerebral Palsy,
- Multiple sclerosis,
- Spina bifida,
- Cancer,
- Diabetes,
- Obesity,
- HIV/AIDS
- Arthritis
- Muscular Dystrophy
- Chronic Obstructive Pulmonary Disease
- Spinal cord disability



# International Legislation that encourage employment of people with disabilities

- American Disability Act (1990)
- Disability Discrimination Act (1992)

# South African Legislation that encourage employment of people with disabilities

Constitution of the Republic of South Africa (1996)

- Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000
- Employment Equity Act No 55 of 1998 (TAG)
- Labour Relations Act (Code of Good Practice) 2002
- National Disability Strategy (1997b)
- COIDA
- Equality Act
- Occupational Health and Safety Act
- Basic Conditions of Employment

# Labour Relations Act 2002

## Reasons for dismissal:

1. Employee *misconduct*
2. Employee *incapacity*

**Poor work performance**

**Ill health or injury**

3. *Operational requirements*

# Labour Relations Act (CGP: D)

LRA's CGP:D

Employees incapacity due to ill-health or injury:

1. Temporary incapacity (sick leave)
2. Permanent incapacity (alternative employment, adapting duties or work circumstances)

The extent of the incapacity needs to be investigated  
It does not refer to disability but **incapacity**, and it encourages **fair** labour practice and **non discrimination** in the workplace.



# Permanent ill health or injury

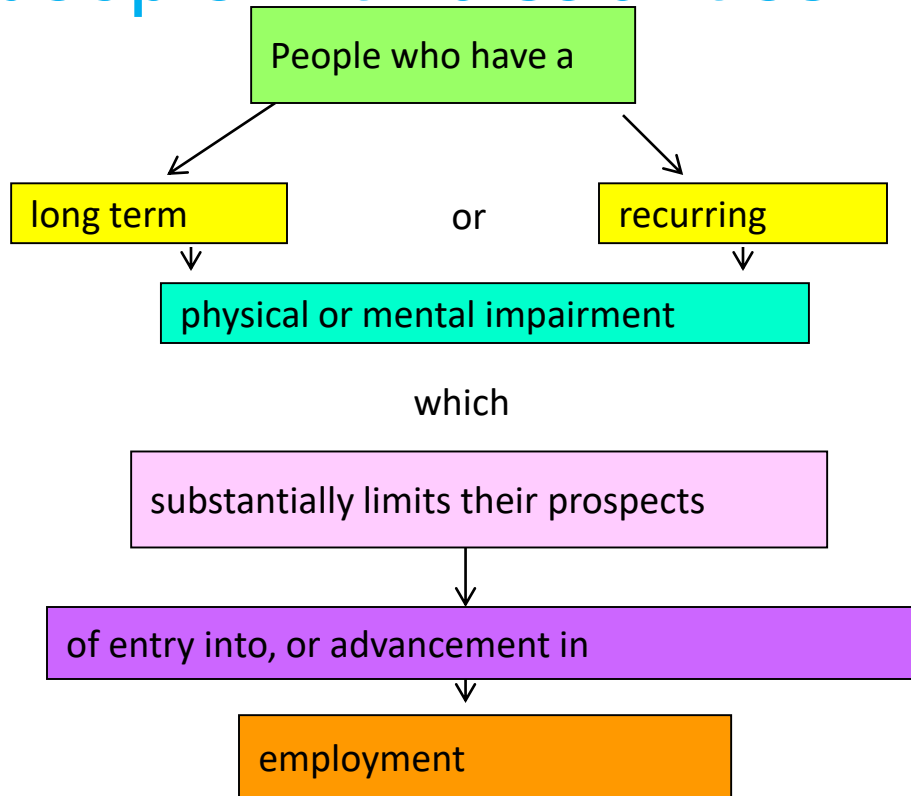
Adapting the duties or work circumstances in order to accommodate the disability

Alternative employment?

# LRA (Adaptation)

- Moving to a house in closer proximity to workplace or public transport
- Acquiring of new skills
- Adaptability to new technology
- Adapting to being with people in normal situations

# EEA's definition of “people with disabilities”



# Reasonable accommodations



- Protective clothing
- Equipment's
- Climate control
- Ergonomic rearrangements
- Altering working hours (flexitime, split shifts, time off for treatment)
- Reassign non essential job functions

(EEA and ADA)



# Reasonable accommodations

- Flexible work schedule-breaks, home based work
- Time off to attend therapy
- Reduction, rescheduling, restructuring of tasks
- Changes of interpersonal communication-feedback, conflict resolution
- Improvement of disability awareness-reduce stigma



# Assistive technology

- Prosthesis
- Wheelchair
- Standing or walking frames
- Accessible keyboards
- Braille
- Speech recognition software
- Sign language
- Personal computer

# Flexibility and understanding

- Address the needs of each employee
- Respect the desire for confidentiality
- Willingness to engage in joint problem solving
- Making arrangements voluntary
- Review plans
- Flexibility in enforcing policies
- Being concrete and specific – AND in writing



(Canadian Psychiatric Association)



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# Employability of individuals with disability is based on:

## **Individual with disability**

- Motivation
- Ability

## **Individual with disability and employer**

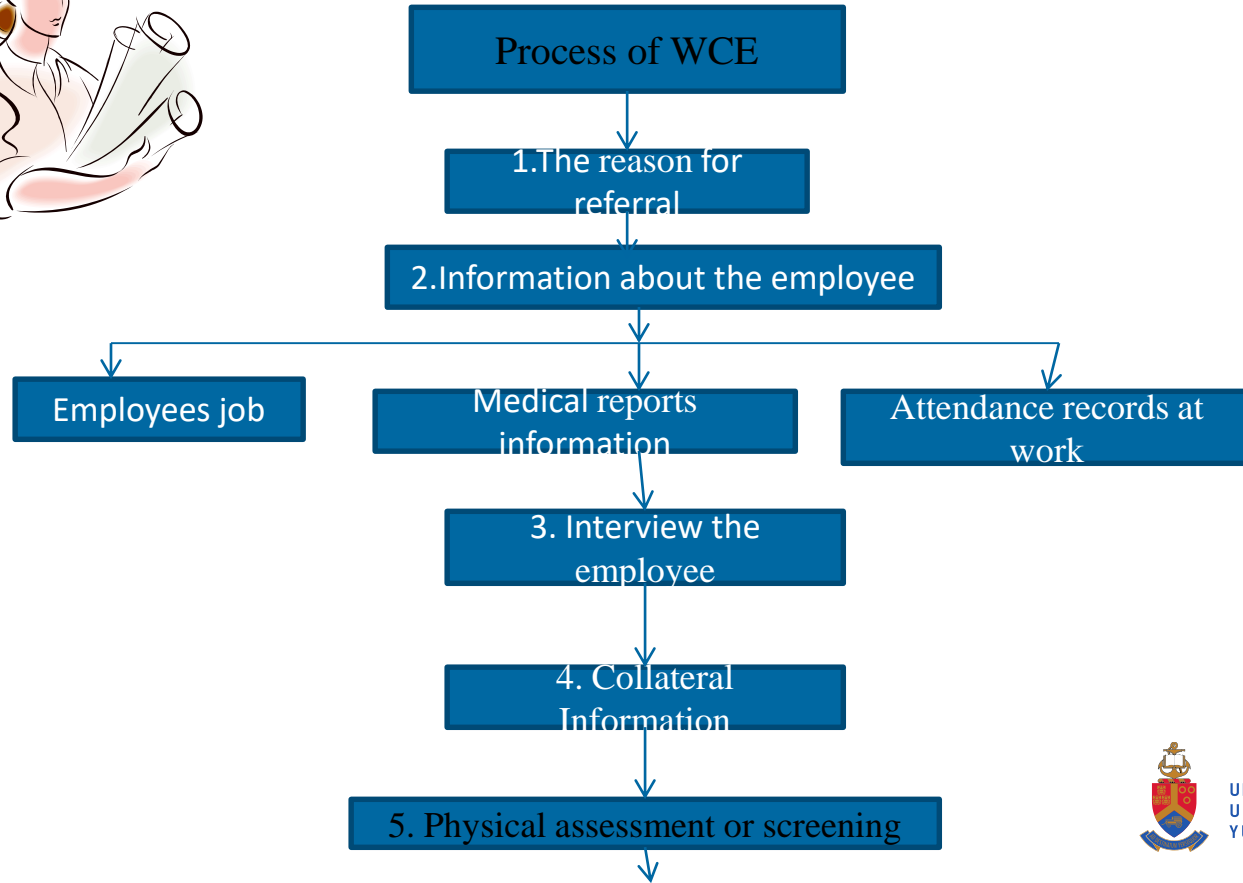
- Accommodation

(Hamilton, Theron, du Toit, 1989)



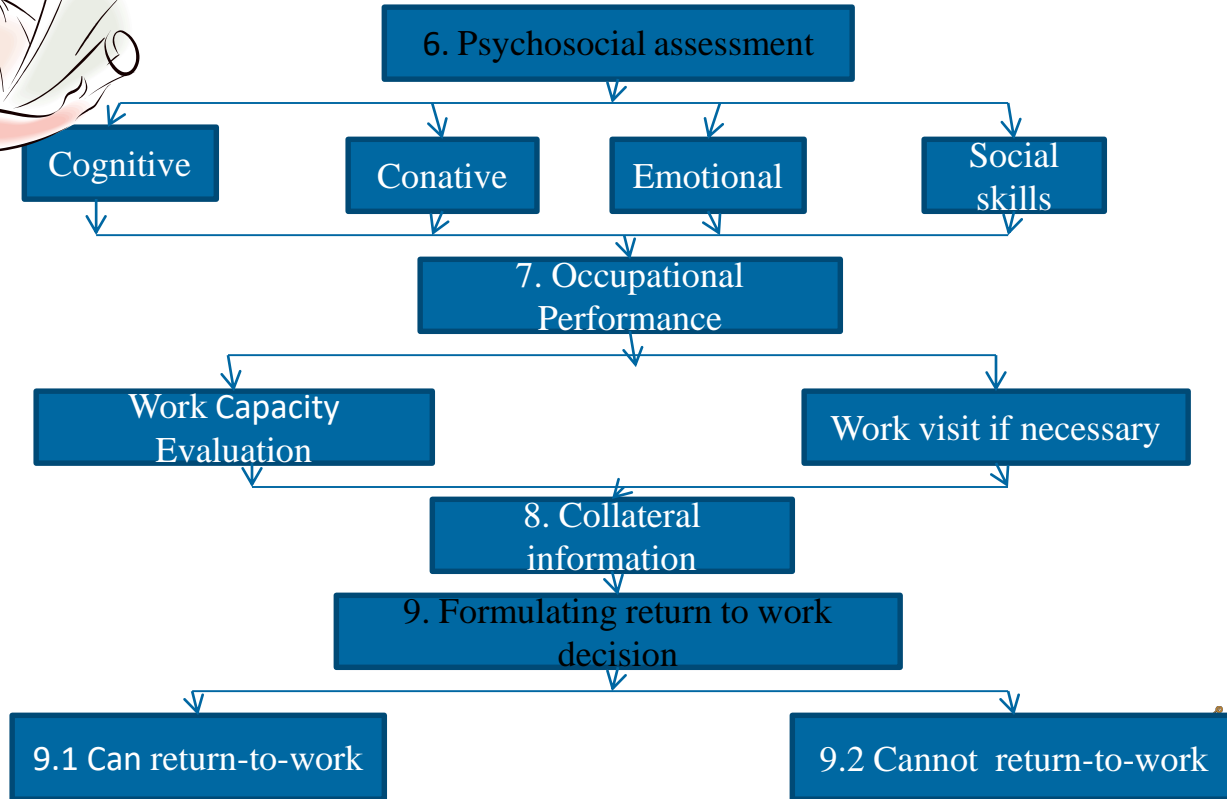
# The process of Functional Capacity Evaluation

(Ramano, 2011; Ramano, Buys, 2018)



# The process of Functional Capacity Evaluation

(Ramano, 2011; Ramano, Buys, 2018)



# Disclosure of Disability

- Employers must protect confidentiality of the information
- Disclose with written consent
- Employer may advise relevant staff after consulting with the PWD regarding the RA

# Hygiene factors and motivators

## Hygiene factors

- Salary
- Working conditions
- Security
- Status
- Relationship with supervisor/peers
- Quality of supervision
- Organisational policy
- Personal life

## Motivators

- Achievements
- Recognition
- The work itself
- Responsibility
- Advancement
- Personal growth

(Cox RAF; 2000 & Avusa; 2008)



# Examples of Intervention

- Assessment – recognize there is a problem
- Prevocational interventions
- Work hardening
- Case management
- Skills development
- Sensitization and awareness training
- Education programs
- Compliance with laws promoting the employment of people living with disabilities

# Intervention approaches

- Biopsychosocial spiritual model which is based on the on the integration of social and medical model of disability.
- Client centered approach
- Occupation based practice (top down approach)
- Collaborative approach
- Person-Environment-Occupation-Performance Model (PEOP) (Law et al, 1996)

(AOTA, 2014)



# Ensuring ability to work

- Vocational rehabilitation
- Job analysis (assess the requirements of the job)
- A specific focus on work – introduce earlier
- Job matching
- Client choice
- Reskilling opportunities
- Ongoing support
- Support and education for employers and co-workers
- Integrated services
- Vocational counseling

(Buys, 2007)



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# Ensuring ability to work for the disabled

## Management

- A proactive and planned approach (driven from top down and develop policies)
- Appointment of a person to manage people with disabilities (HR or transformative manager)
- Internal awareness campaigns

(Wordsworth, 2003)



# Able to work

- Match the capabilities (WCE) and Job requirements (Job Analysis)
- Able to perform their **essential** job functions (with or without reasonable accommodations) to the required **safety** and **productivity** standards
- Accessible ( physical and mental)
- The employer must meet the requirements of fair labour practice (LRA, EEA etc)

# Barriers to work for people with disability

- Limited job opportunities and job type not suitable for disabled
- Employees low self-esteem and fear of discrimination
- Employers unwillingness to accommodate, and limited knowledge of disability and cost of reasonable accommodation
- Coworkers stigmatization and attitudes
- Not willing to lose disability benefits
- Transport
- Physical environmental barriers (access and infrastructure)
- Non-disclosure

(Wordsworth, 2003; Maja et al, 2011)

# Barriers for accessibility of persons with disability

- Attitudinal
- Organizational
- Architectural/Physical
- Communication/information
- Technology

(Wordsworth, 2003)

# Assumptions adding to barriers

- Persons with disabilities are more expensive to employ than any other employee
- It is too risky to employ a person with disability
- Employers are not willing to employ persons with disabilities
- Workplaces are not friendly towards disabled people.

# Inability to work

## **Incapacity**

- Short term
- Permanent

# Determinants of temporary incapacity

- Stage of recovery
- Facilitate return to work
- Manage external factors
- Availability of reasonable accommodation
- Has patient received optimal treatment

(Ramano, Buys, de Beer 2016)

# Determinants of permanent incapacity

- Work capacity
- Long sick leave benefits
- Unsuccessful work trials
- Failure to cope with reasonable accommodation
- Failure to cope with alternative occupation

(Ramano, Buys, de Beer 2016)

# Features to sustain employability for people with disability

- Opportunity to learn on the job
- Freedom to organise work
- Clear supervision
- A trusting social climate
- Working in the company of others rather than in isolation
- Opportunity to evaluate performance in relation to co-workers
- Feedback from supervisors.

(Cox RAF, Edwards FC; 2000)



# Conclusion

A trusting relationship between the worker and all concerned parties is a pre-requisite to the successful RTW (Lacerte M, Wright GR, 1992)

From the human rights perspective: everyone has the right to work.

From occupational therapist perspectives: work is meaningful, improves health and wellbeing, and it brings purpose to a person (AOTA, 2014)

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