

UNIVERSITY OF KWAZULU-NATAL

**Assessing the accommodation of employees with disabilities in Nedbank Retail Division,
South Africa**

By

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ABSTRACT

Reasonable accommodations are the means by employers to enable the people with disabilities to perform the essential functions of the job. It refers to modifications or alterations to the way a job is normally performed to make it possible for a suitably qualified person with a disability to perform as everyone else does. Employers should reasonably accommodate the needs of people with disabilities; this is both non-discrimination and an affirmative action requirement. Providing reasonable workplace accommodation for employees with disabilities (PWDs) has been associated with enhanced job tenure, performance, and satisfaction. However, employers have struggled to effectively meet employees' accommodation requests. PWDs can demonstrate their ability and contribute equally alongside fellow workers if organisations remove unfair discriminatory barriers to their employment and make reasonable accommodation for their needs. The most important part of the law against disability discrimination is the duty of employers to make reasonable adjustments. Basically, this means that where workers are disadvantaged by workplace practices because of their disability, employers must take reasonable steps, for example, by adjusting hours or duties, buying or modifying equipment or allowing time off so that they can carry out their job.

This research is about the reasonable accommodation of people with disabilities in Nedbank retail which consists of 17 250 employees of which 677 have disabilities (Nedbank Retail Disability Report, 2015). The target population consists of people with disabilities in Nedbank retail. The sample of 215 PWDs was drawn using a probability sampling technique called simple random sampling and comprised of senior and middle managers with disabilities as well as PWDs from the level of junior staff. Data was collected using both self-administered questionnaires (whose psychometric properties were statistically assessed) and face-to-face interviews. Data from the former was analysed using both descriptive and inferential statistics and interview data was assessed using content analysis. The results of the study enlighten employers on how to manage expectations on reasonable accommodation of employees with disabilities thereby, avoiding being discriminatory when dealing with issues of disability. Based on the results of the study, recommendations are generated, which when effectively implemented have the potential to contribute to better accommodation of PWDs in the workplace, thereby creating a great place to work for all.

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CHAPTER ONE

INTRODUCTION AND OVERVIEW OF THE STUDY

1.1 INTRODUCTION

The purpose of this study is to examine the extent to which people with disabilities are reasonably accommodated in the Nedbank Retail division in South Africa. This chapter is designed to provide a background of the study based on the literature reviewed. It will further explain the problem statement that led the researcher to research this topic. In this chapter the researcher will also discuss the research design, time frame of the research, how data will be obtained for this study looking at methods and techniques to be used to collect data and the variables to be studied; it will further explain the sampling methods to be used and the population of the study and discuss reasons as to why the methods for data collection were chosen.

1.2 THE BACKGROUND OF THE STUDY

Before setting the context, it is important to understand what is meant by the primary area of research, that is, reasonable accommodation.

1.2.1 Understanding ‘Reasonable Accommodation’

Reasonable accommodation refers to modifications, alterations to the way a job is normally performed to make it possible for a suitably qualified person with a disability to perform as everyone else (Rycroft & Jordaan, 1999). Everyone has the right to privacy and therefore, no person is obliged to inform their employer of a disability or impairment. On the other hand, should the impact of the disability be such that reasonable accommodation is needed, it will be to the advantage of the applicant or employee to disclose his/her disability (Aliber, 2002).

Hills (2002) concurs with the previous definition and states that reasonable accommodation is about making adjustments to enable people with disabilities to access a service or to perform to full capacity in their job. This, therefore, means reasonable accommodations are the means by employers to enable the people with disabilities to perform the essential functions of the job.

Reasonably accommodating people with disabilities is now a legal requirement under both the Employment Equality Act 1998 and the Equal Status Act, 2000. It is not a requirement if it gives rise to more than a minimal cost, a figure which will depend on the scale and resources of any particular organisation (Hills, 2002). The reasonable accommodation of people with disabilities is currently a specific focus in the work of the Equality Authority (EA). The type of reasonable accommodation required would depend on the job and its essential functions, the work environment and the person's specific impairment (Buhmann, 2005).

Employers should reasonably accommodate the needs of people with disabilities; this is both non-discrimination and an affirmative action requirement. The Disability Discrimination Act (1995) states that employers are required to make reasonable adjustments for workers with disabilities, including allocating employees with disabilities' work to someone else, transferring employees with disabilities to another post or another place of work, making adjustments to the work facility, providing flexible work hours and availability of leave for temporal disability, providing training or retraining if employees with disabilities cannot do their current job any longer, providing modified equipment, making instructions and manuals more accessible and providing a reader or interpreter.

1.2.2 Understanding the context

Disabled employees in the banking environment are often dismissed for poor work performance, incapacity or they resign unnecessarily. They are often encouraged, forced to apply for disability benefits and they tend to retire earlier than able-bodied employees do, although if their needs can be reasonably accommodated, they can continue as productive employees (World Bank Report, 2011). Providing reasonable workplace accommodation for employees with disabilities has been associated with enhanced job tenure, performance and satisfaction; however, employers have struggled to effectively meet employees' accommodation needs (Disability Education Awareness, 2011). People with disabilities can demonstrate their ability and contribute equally alongside fellow workers if organisations remove unfair discriminatory barriers to their employment and make reasonable accommodation for their needs.

According to the world report on disability, a joint World Health Organisation and World Bank public action, 15% of the world's population experience some form of disability. One-fifth of the estimated global prevalence or between 110 and 190 million persons, encounter significant disabilities. Historically, people with disabilities have been among the most economically impoverished, politically marginalised and least visible members of their societies globally yet this group represents approximately 15% percent of the world's population or more than 650 million people of whom 470 million is of working age; this includes people with physical, sensory, intellectual and psycho-social disabilities (Hills, 2002).

Their opportunities to emerge from poverty are limited in many cases by the lack of enabling legislation to promote their access to skills development (including life skills, technical skills and entrepreneurship skills), employment opportunities and the weak implementation and enforcement measures where such legislation is in place (Hills, 2002). Women with disabilities face greater difficulties than their male counterparts or than able-bodied women in earning a living. People with disabilities living with HIV/AIDS (PLWHA) are frequently overlooked in policy and programme measures. Internationally the legislative body first addressed discrimination against the disabled in the Rehabilitation Act of 1973.

In South Africa during census 2011, a total of 2 255 982 persons reported that they had some kind of disability that prevented them from full participation in life activities (Statistics SA, 2011). This number constituted 5% of the total population (44 819 778) enumerated in the census (Statistics SA, 2011). The African population reported the highest number of disabled people (1 854 376 or 5.2% out of a total of 35 416 166), followed by White (191 693 or 4.5%), Coloured (168 678 or 4.2%) and Indian (41 235 or 3.7%) people. These percentage differences are probably due to a variety of socio-economic and demographic factors, as well as unique social cultural perceptions and inhibitions with regard to reporting on disability (Statistics SA, 2011).

It is important to recognise that even within the disabled community there are sectors that experience discrimination and exclusion more acutely than others. Women with disabilities bear the burden of discrimination and exclusion more highly than men and tend to have a higher rate of disability than men, due primarily to women's higher average longevity.

The information collected in the 2011 census followed this trend, with 1 173 939 females affected compared to 1 082 043 males (Statistics SA, 2011). The percentage of females affected was slightly higher than for males in the African and White population groups and, slightly lower in the Coloured and Indian/Asian population groups. The prevalence of disability by province shows the highest in KwaZulu-Natal (26.8%) followed by Northern Cape (11.3%). The provinces with the lowest prevalence of disability were Western Cape at 4.1% and Gauteng at 3.8% (Statistic SA, 2011).

Historically, the majority of people with disabilities in South Africa have been excluded from education, housing, transport, employment, information and community life. They have been prevented from exercising fundamental political, economic, social, cultural and development rights. These injustices were reinforced by the inequalities of the apartheid system; laws have supported the cumulative disadvantages and social isolation of people with disabilities. The injustices have been and continue to be perpetuated by attitudes, prejudices and stereotypes that see people with disabilities as dependent and in need of care.

The Republic of South Africa Constitutional Act 108 of 1996 (the Constitution) reflects the struggles of the majority of our citizens and is founded on the values of human dignity, equality and freedom. The Bill of Rights (chapter 2) specifically mentions equality and non-discrimination for persons with disabilities, and this is largely due to the organised efforts of people with disabilities in their continuing struggle to end the oppression of people with disabilities. The disability rights movement in South Africa emerged during the 1980s as part of the broader liberation struggle against apartheid.

Disabled People South Africa (DPSA) spearheaded the strategy to mobilise and organise people with disabilities to resist oppression on the bases of both race and disability. This built a political foundation for the disability rights movement and a strong cadre of disabled activists. The liberation movement spread to include people with disabilities living in the rural and impoverished urban townships of South Africa and their frustrations. Prevalence of disability in a society is influenced by both political and economic factors. It is estimated that 10%-26% of the worldwide population is regarded as living with a disability (Collins & Mathews, 2012).

Providing employment opportunities for disabled persons is becoming increasingly important in South Africa especially as this group is the most discriminated against when it comes to employment (Thomas & Hlahla, 2002). According to the Commission for Employment Equity (CEE) that actively monitors employment equity transformation in South Africa, financial institutions have implemented a framework to increase the employment of people with disabilities in all the regions across the country. According to Buhmann (2005), legal protection was extended to people with disabilities in terms of labour rights; the commission found that generally, there is widespread non-compliance with labour law.

This included extremely shocking working conditions, the discrimination and the non-accommodative buildings that people with disabilities still work under. People with disabilities in South Africa continue to face barriers that prevent them from enjoying their full civil, political, economic, social, cultural and development rights and this is largely due to widespread ignorance and prejudice in the societies (Buhmann, 2005).

Legislation alone cannot improve our society or guarantee human rights in practice, but it does provide a vital framework and structure to set the right direction for everyone. From 1994 steps have been taken to address the ways in which people with disabilities are excluded from normal society; government policies and legislation reflect the need to promote the rights of persons with disabilities (Buhmann, 2005). Laws are a vital component in broader mechanisms to restore the systemic inequalities and unfair discrimination that remain deeply embedded in social structures, practices, attitudes and environments.

It is imperative that employers and employees with disabilities become more aware of each other's perceptions or insights and more educated about how accommodation requests must be managed to improve job retention, reduce turnover costs and decrease the likelihood of litigation.

1.3 PROBLEM STATEMENT

The employment equity plan outlines intentions to increase the representation of people with disabilities in the workforce and ensure that employees with disabilities are reasonably accommodated and help them perform to their full potential.

Nedbank is currently embarking on a recruitment strategy with recruitment agencies that specialise in the placement of people with disabilities and are putting processes in place to encourage employees already in their workforce to declare their disabilities. On the literature and bank policies reviewed there is very minimal information about reasonable accommodation in Nedbank retail as a whole, no transparent strategy to address disability and hiring people with disabilities, very few line managers and staff attended progression training which is designed to assist understanding disability.

There is no transparent policy for disability and how to declare disability should you are incapacitated during employment. If a staff member is incapacitated at work and he/she has to go on permanent or temporal disability, it is not clearly defined and transparent to every Nedbank employee on what steps to follow. Lastly, employee wellness programmes that normally take place within the Nedbank Contact Centre (NCC) space do not really touch on people with disabilities.

Nedbank Retail consist of 17 250 employees and 677 have disabilities (Nedbank Retail Disability Report, 2015). Table 1.1 reflects the Nedbank Retail disability statistics for 2015/2016:

Table 1.1
Nedbank Retail Headcount: March 2015

	PWD:			2015
Current Headcount	Actual	Total Black	Black Female	Target
Senior Management	9	1	0	9
Middle Management	163	62	43	153
Junior Management	366	229	159	371
Semi-skilled	118	72	56	110
Non- Permanent	21	12	5	24
Total PWD	677	376	263	667
Total Headcount	17 250			17 582

Nedbank intranet (HR Online) Nedbank Ltd disability statistics. (2015). Retrieved on 12 March 2015 from <http://myworkspace.nednet.co.za>

The headcount table (Table 1.1) shows that Nedbank Retail consists of 17 250 employees of which 667 have disabilities. Table 1.1 reflects that there are 9 employees with disabilities in senior management roles and the PWD target is met and Nedbank Retail is above target with regards to the PWDs target in middle management and semi-skilled staff. However, Nedbank Retail is below the PWD target for junior management and non-permanent employees. This means there is still a lot to be done by the employer as the targets has not been met and the financial year end has passed; they have done great in achieving the targets in some divisions but there is still more that can be done to attract and also retain employees with disabilities.

Figure 1.1 displays disability actuals and target percentages for all races (Black, Coloured, White, Indian & Foreigners) in Nedbank retail.

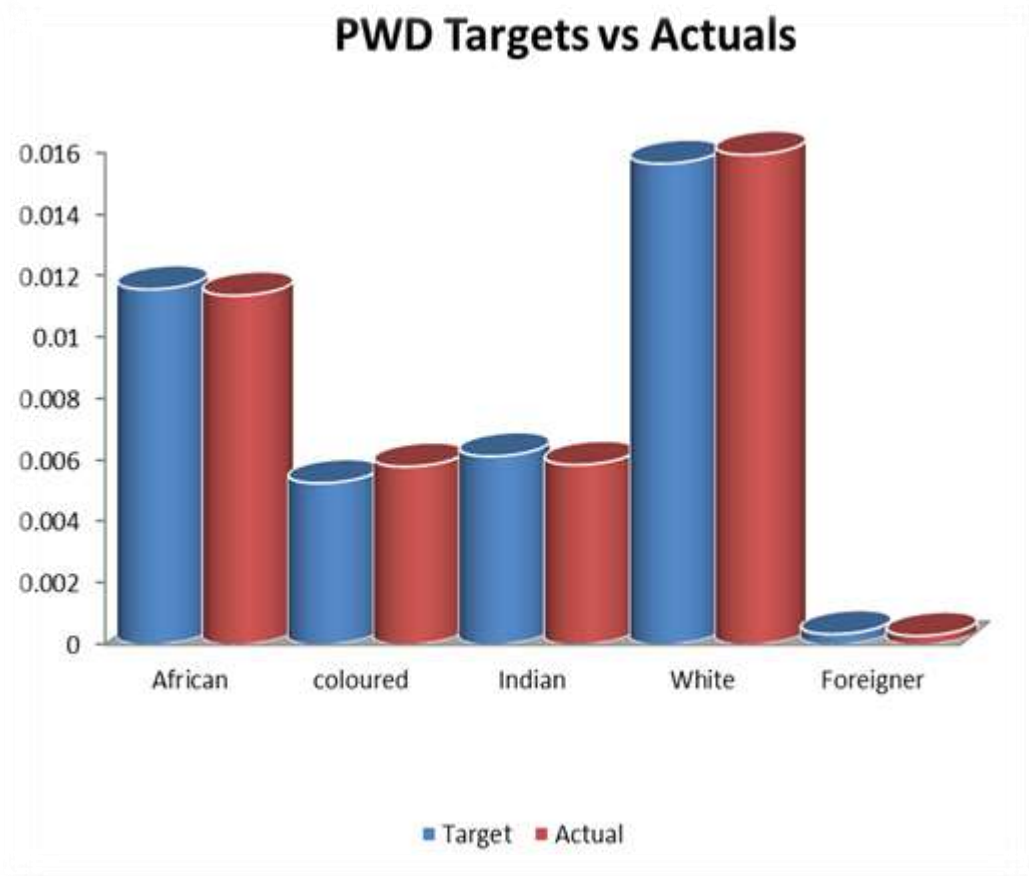


Figure 1.1

PWD Targets vs Actuals

Nedbank Ltd disability statistics. (2015). Retrieved on 12 March 12 2015 from <http://myworkspace.nednet.co.za>

Figure 1.1 reflects the comparison between the actuals and the targets that Nedbank Retail South Africa have per race (African, Coloured, Indian, White and Foreigner). Table 1.2 reflects the percentages on actuals (current headcount) and targets with more focus on Black females as the current focus for the business is that they attract more Black qualified disabled candidates.

Table 1.2

Current Headcount versus Target: Actual December 2014 versus Targets March 2015

Occupational Level	Total All Actual	Total All Target	Total Black Actual	Total Black Target	Black Female	Black Female
Senior Management	5.08%	5.03%	0.56%	0.56%	0.00%	0.00%
Middle Management	4.96%	4.52%	1.92%	1.60%	1.37%	1.00%
Junior Management	3.52%	3.52%	2.33%	2.41%	1.62%	1.57%
Semi-skilled	5.97%	5.18%	3.74%	3.11%	2.93%	2.40%
Temporary employees	1.49%	1.77%	1.21%	1.33%	0.64%	0.52%
Total PWD	3.92%	3.79%	2.30%	2.24%	1.53%	1.47%

Nedbank intranet, Nedbank Ltd disability statistics. (2015). Retrieved on 12 March 2015 from <http://myworkspace.nednet.co.za>

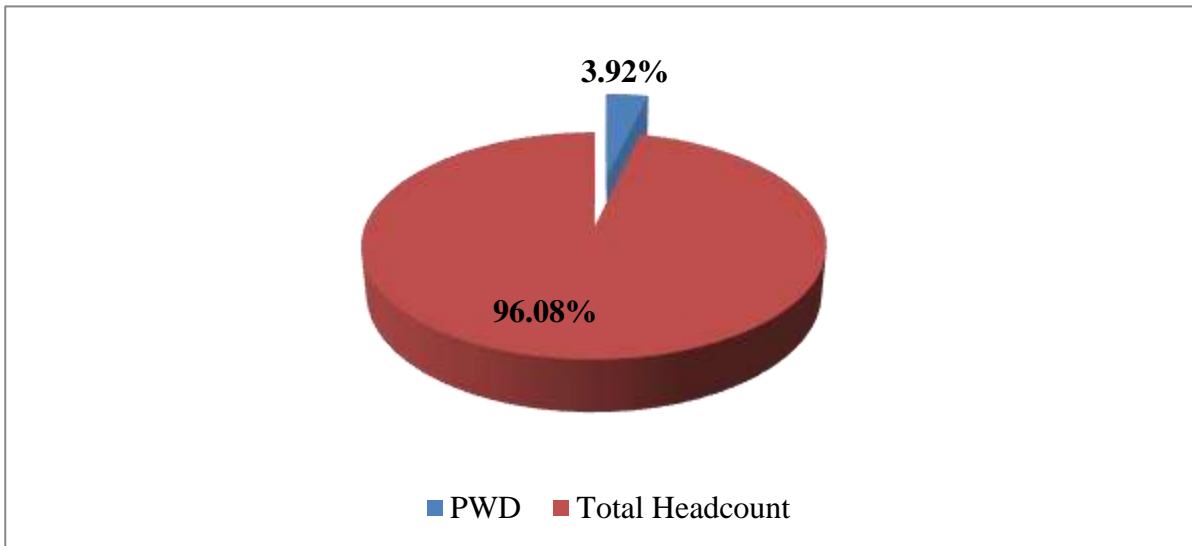


Figure 1.2

People with Disabilities Total Headcount (Including Non-Permanent)

Nedbank Intranet Nedbank Ltd disability statistics. (2015). Retrieved on 12 March 2015 from <http://myworkspace.nednet.co.za>

Figure 1.2 displays the total percentage of people with disabilities in Nedbank Retail South Africa (3.92%).

After understanding the legislative requirements in people with disability in the workplace, the interest developed in finding out what is it that Nedbank does to accommodate their employees with disabilities. It is those gaps that were discovered while conducting the literature review which led the researcher to develop an interest in this topic. Due to the diversified nature of the banking sector and its diverse, dynamic, challenging and highly pressurised environment, it is important to understand how people with disabilities feel and if they believe their needs are reasonably accommodated for them to perform adequately on their inherent jobs.

Therefore, it is against this backdrop that the study examines the extent in which people with disabilities are reasonably accommodated in the Nedbank Retail Division. The researcher asserts that if the needs of employees with disabilities can be reasonably accommodated, they can form part of the productive employees. People with disabilities can demonstrate their ability and contribute equally alongside fellow workers if organisations remove unfair discriminatory barriers to their employment and reasonably accommodate their needs. Therefore, the problem statement is: To what extent are people with disabilities reasonably accommodated in the Nedbank Retail Division? Specifically, the problem statement is defined by further focus areas:

- To what extent do people with disabilities believe that there is reasonable accommodation and equal opportunities for all employees in the Nedbank Retail Division?
- To what extent are people with disabilities aware of disability policies in the Nedbank Retail Division and to what extent do they believe them to be fair?

1.4 AIM OF THE STUDY

The aim of this study is to investigate the extent to which employees with disabilities are reasonably accommodated in the Nedbank Retail division (South Africa).

1.5 RESEARCH OBJECTIVES

- (i)** To investigate the extent to which employees with disabilities are reasonably accommodated in the Nedbank retail division in terms of Nedbank's disability policy and leave policy.
- (ii)** To explore challenges faced by both the employer (Nedbank) and employees with regards to reasonable accommodation in terms of the code of good practice and the Employment Equity Act No. 55 of 1998.
- (iii)** To demonstrate what can be done by the Nedbank Retail to reasonably accommodate employees with disabilities.

1.6 RESEARCH QUESTIONS

This study seeks to answer the following questions:

- (i)** To what extent do Nedbank's leave and disability policies reasonably accommodate employees with disabilities?
- (ii)** What are the challenges faced by both the employer and employees with regards to reasonable accommodation in terms of the code of good practice and Employment Equity Act no. 55 of 1998.
- (iii)** What can employers do, what measures are there to reasonably accommodate people with disabilities?

1.7 HYPOTHESES OF THE STUDY

The study aims to statistically assess two hypotheses.

Hypothesis 1

Respondents' perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees significantly relates to their perceptions of fairness and awareness of disability policies.

Hypothesis 2

Employees varying in biographical profiles (gender, age, marital status, education, disability) differ significantly in their perceptions of the key dimensions of the study (reasonable accommodation of people with disabilities and equal opportunities for all employees and, fairness and awareness of disability policies) respectively.

1.8 SIGNIFICANCE OF THE STUDY

This study will serve as a guide for the employer (Nedbank Retail) on how to reasonably accommodate employees with disabilities. It will also give employees with disabilities clear insight into the manner in which their needs may be accommodated and what is it they need to do in order not to feel discriminated in the workplace.

Furthermore, this study will contribute to understanding disability as a whole and legislation that protects people with disabilities; disability is still a sensitive matter to some employees. Therefore, this study is important to help both the employer and employees with regards to reasonable accommodation and non-discriminatory disclosure of disability.

This study will help to eliminate the negative perceptions and stigmas about people with disabilities. It is designed to help both employer and employees to understand legislation and what is expected with regards to accommodating employees with disability in the workplace. At the end one should be able to understand what is disability, what does the legislation say about disability and reasonably accommodating people with disabilities. Most of all, it will unleash the discrepancies people with disabilities face in Nedbank retail with regards to reasonable accommodation. Therefore, once those differences are understood, Nedbank retail can be able to better accommodate the People with Disabilities (PWD) candidate's needs accordingly.

1.9 STRUCTURE OF THE STUDY

The study comprises of seven chapters:

Chapter 1: This chapter is designed to guide the reader on what to expect in this dissertation, it gives the reader the objectives, the aim of my study, what motivated the researcher to study reasonable accommodation of people with disabilities in the banking sector. The significance and limitations of the study are also enumerated.

Chapter 2: This chapter seeks to provide a background of disability and define the concept by discussing who can be regarded as a disabled employee whilst elucidating the comparison between disability and impairment. It further explains what reasonable accommodation is by looking into what employers can do to reasonably accommodate people with disabilities, the role played by human resources in the workplace to reasonably accommodate people with disabilities and create a suitable place to work for all, and also outlines the fair disclosure process for employees with disabilities.

Chapter 3: Chapter 3 is designed to discuss the legislation that governs disability. It seeks to explain and compare what different acts declare about disability while it also gives information on when is it unfair for an employer to dismiss a person with disabilities. It begins by discussing legislation from an international perspective and then moves to present the South African legislation and case-laws on unfair treatment of employees with disabilities.

Chapter 4: Presents how the research is going to be conducted. In this chapter, the researcher presents the objectives and hypotheses and the research design that will be adopted in order to fulfill the former. This involves an elucidation of the population, the sample and the sampling technique to be adopted. The chapter includes an explanation of the data collection method to be utilised and statistical analyses adopted to ensure the psychometric properties of the measuring instrument are also discussed. Techniques of data analyses are also explained. Decisions regarding all methods selected in the design are justified.

Chapter 5: Presents results obtained from the data collected. The raw data was captured using the Excel spreadsheet and processed using SPSS version 22. In this chapter, the results are presented using tabular and graphical presentations.

Chapter 6: In this chapter, the results are discussed making comparisons to other researcher's findings. The key findings are also graphically presented.

Chapter 7: Presents recommendations to ensure the reasonable accommodation of people with disabilities. It outlines recommendations based on the results of the study and recommendations for future research. The recommendations are also vivid and graphically presented.

1.10 LIMITATIONS OF THE STUDY

Every study has boundaries within which the results hold true, thereby including specific limitations. The limitations of the current study include:

- Disability is still a very sensitive matter, people feel uncomfortable talking about it. It is very hard to get information due to the nature of confidentiality that has to be maintained when dealing with disability cases every time.
- Employees with disabilities feel uncomfortable giving details or disclosing regarding any reasonable accommodation needs especially to the researcher as they are aware of the researcher being employed by the company as an HR specialist.
- Victimization being the issue in our organisations, employees do not like (do not feel comfortable) giving information of such nature especially if they do not feel accommodated.
- It is very difficult to gain access to/ get hold of employees in the bank due to the nature of their job.
- Candidates with invisible disabilities still do not feel comfortable to disclose their disabilities because they believe individuals with no disability look at them as if they want to be given an unfair advantage, for example, easier work requirements.
- The cost of collecting the data was very high due to the fact that candidates are geographically dispersed in different regions.

1.11 CONCLUSION

To conclude as it has been discussed on the problem statement, reasonable accommodation is not an easy matter for both employees and employers. Employers are not sure when to accommodate and when will it be regarded as discrimination. This study will unpack all the challenges that both employers and employees face with regards to reasonable accommodation. If needs for employees with disabilities can be accommodated they will be able to perform and deliver to their optimal level as those employees with no disabilities.

CHAPTER TWO

DISABILITY AND REASONABLE ACCOMMODATION

2.1 INTRODUCTION

This chapter seeks to provide a background of disability and define the concept by discussing who can be regarded as a disabled employee whilst elucidating the comparison between disability and impairment. It will further explain what reasonable accommodation is by looking into what employers can do to reasonably accommodate people with disabilities, the role played by human resources in the workplace to reasonably accommodate people with disabilities and create a suitable place to work for all, and also outlines the fair disclosure process for employees with disabilities.

2.2 BACKGROUND OF DISABILITY

It has been revealed that working conditions in the banking sector for people with disabilities still remained unacceptable (Nedbank's Employment Equity Committee, 2015). Progress has been made in employing people with disabilities and with regards to the discrimination of people with disabilities in workplaces; however, deep seated views of society of people with disabilities impacts negatively in the workplace.

Ignorance, fear and stereotypes cause people with disabilities to be unfairly discriminated against in society and in employment. As a result, people with disabilities experience high unemployment levels and in the workplace often remain in low status jobs and earn lower than average remuneration (Collins & Mathews, 2012).

Unfair disability discrimination is perpetuated in many ways; there are many unfounded assumptions about the abilities and performance of job applicants and employees with disabilities. According to Crowley (2005), employers set criteria for selection that exclude disabled people; he further argues that workplaces are inaccessible and training is inappropriate for people with disabilities or not available at all. Employees with disabilities are often dismissed for poor performance or incapacity or they resign unnecessarily.

They are often encouraged or forced to apply for disability benefits and they tend to retire earlier than other employees do, although if their needs are reasonably accommodated, they can continue as productive employees.

A growing body of empirical evidence from across the world indicates that persons with disabilities and their families are more likely to experience economic and social disadvantage than those without any disability (Collins & Mathews, 2012). Particularly in developing countries, persons with disabilities may experience comparatively lower educational attainment, lower employment and higher unemployment rates, worse living conditions, and higher poverty rates; hence. Disability issues pertain to core development efforts aimed at poverty reduction and well-being promotion (Felsberg, 2005).

Banking institutions in South Africa have been urged to consider the needs of people with disabilities following complaints by the disabled who struggle to access banking facilities and services. The South African Human Rights Commission (SAHRC) is concerned about this state of affairs and has urged banking institutions to be more sensitive to the needs of people with disabilities. To this end, the institution is asking the banks to redesign their facilities and other offerings so that they become more accessible to people with disabilities; in order to address the situation, the commission has made a number of recommendations which include, among others, that the banking institutions redesign the automated teller machines to allow for more universal application of the facilities (SAHRC, 2012).

Another recommendation includes creating a workplace environment that accommodates the needs of employees with disabilities with a focus on becoming more sensitive to their needs. This means that conditions in the workplace should be such that an employee with a disability is able to function with minimal assistance creating premises to be more physically accessible and rescheduling work hours to suit their needs as well as providing supportive devices. The SAHRC further said 2% of the employment equity fund earmarked for the employment of people with disabilities should be exceeded bearing in mind that people with mental and other disabilities must also be included in this segment.

The commission also urged banks to consider lower service charges or setting a nominal charge in light of the fact that in South Africa poverty and unemployment are directly correlated with disabilities. People with disabilities are dependent on disability grants and predominantly occupy low income positions (SAHRC, 2012). Literature reviewed states that it was also recommended that banking institutions create corporate social responsibility programmes and invest in the development of persons with disabilities. The SAHRC maintains that the principle of universal design must be adhered to, which allows for easy access into and through the buildings, ramps, automatic doors, toilets and other points of entry in and around the buildings.

It is imperative that inclusive policy and integration by the banking institutions and such institutions occurs at the level of ensuring equality for all citizens. People with disabilities can demonstrate their ability and contribute equally alongside fellow workers if enterprises remove unfair discriminatory barriers in their employment and make reasonable accommodation for their needs (Olfen, 2007). People with disabilities can contribute their skills and abilities to the economy and society and the cost of claims on public social security and occupational benefit schemes can be reduced if employees with disabilities are retained at work (Aliber, 2000).

The most important part of the law against disability discrimination is the duty of employers to make reasonable adjustments which basically means that where workers are disadvantaged by workplace practices because of their disability, employers must take reasonable steps, for example, by adjusting hours or duties, buying or modifying equipment or allowing time off, so that they can carry out their job (Felsberg, 2005). It is important to understand the process to be followed once an employee has disclosed his/her disability and the manner in which it has a potential to impact on performance. In this context, it becomes necessary to define disability and engage in a discussion on reasonable accommodation in the workplace.

2.3 DEFINITION OF DISABILITY

The Employment Equity (EEA) Act No. 55 of 1998 defines people with disability as people who have a long term or recurring physical or mental impairment which substantially limits their prospect of entry into or advancement in employment. A physical impairment means a partial or total loss of bodily function or part of the body.

It includes sensory impairments such as being deaf, hearing impaired or visually impaired. Mental impairment is a clinically recognised condition or illness that affects a person's thought processes (judgments or emotions). This includes intellectual, emotional and learning disabilities. Long term means that the impairment has lasted or is likely to persist for at least 12 months and recurring means the impairment is one that is likely to happen again and be substantially limiting. Progressive diseases are those which are likely to develop, change or recur and are only regarded as a disability when they become substantially limiting. A person with cancer, tuberculosis (TB) or HIV would only be regarded as a person living with disability by EEA once the condition becomes substantially limiting to the person's ability to perform the inherent requirements of their job.

A disability may be generally defined as a condition which may restrict a person's mental, sensory or mobility functions to undertake or perform a task in same way as a person who does not have disability; it does not mean that a person with a disability is unable to perform all important requirements of a job and exceed the expectations of their employer (Buhmann, 2005). According to Hills (2002), a disabled person is a person with impairment who experiences disability. Disability is the result of negative interactions that take place between a person with impairment and his or her social environment; impairment is thus part of a negative interaction but it is not the cause of, nor does it justify, disability (Felsberg, 2005).

Du Toit (2008) asserts that disability is a loss or limitation of opportunities to take part in society on an equal level with others due to social and environmental barriers. It is generally a condition either caused by accident, trauma, genetics or disease which may restrict a person's mental processes, senses or mobility. Disabilities affect people in different ways. Many people associate disability with someone who is in a wheelchair or who is blind or deaf. They have the belief that people with disabilities are totally different and, therefore, need to be treated differently; unfortunately, this kind of stereotyping is in itself a form of discrimination (Nedbank's Disability awareness , 2011).

People with disability come in a variety of shapes, sizes, colors, sex and cultures just as people without disabilities. It is important to understand that the only thing that separates a person with disability is that for one reason or another, he/she is unable to do certain things in the same way as the mainstream of the society. They may require some form of adaptation or alteration to assist them to overcome the effect of their disability.

The Disability Discrimination Act (DDA) identifies and defines the following categories of disability:

- Physical which affects a person's mobility or dexterity, for example, cerebral palsy, paraplegia, small stature and monoplegia.
- Intellectual that affects a person's abilities to learn,
- Psychiatric which affects a person's thinking processes
- Sensory which affects a person's ability to hear or see and hence, examples include being deaf, having partial visual impairment, being blind and having partial hearing impairment
- Neurological which results in the loss of some bodily or mental functions, for example, bipolar mood disorder, epilepsy, down syndrome and dyslexia.

Furthermore, there are progressive conditions that are likely to develop or re-occur; they are normally recognised as disability when they start limiting one's ability to perform inherent requirements of one's job, for example, HIV, cancer, tuberculosis, bipolar, stress and diabetes. Moreover, included in this category are disabilities resulting from physical disfigurement or from the presence of organisms causing or capable of causing disease in the body. Society should not equate disability with poor health. Marcel De Villiers, a Nedbank employee with diabetes, says disability has a little to do with ability. Disability is a matter of perception, if you can do just one thing well; you are needed by someone (Martina Navratilova, Tennis player). According to SAHRC (2012), a person with a disability is limited in one or more functional activities; this may be in seeing, hearing, communicating, moving, learning or other intellectual and emotional activities.

The impairment may be permanent, recurring or transitory; it may be sensory, physical, cognitive or psychological. However, people who have very different impairments experience similar barriers and discrimination in society. The extent and experience of disability is to a large extent determined by how much the person's environment prevents that individual from taking part in community life on an equal level with others (Nedbank's Disability Awareness Projects, 2011). Disability is imposed by society when a person with impairment is denied access to full economic and social participation. Society fails physically and culturally to accommodate the rights and needs of individuals with impairments.

Society disables people with impairments by failing to take into account their rights and needs, as groups or individuals (SAHRC Report, 2012). Therefore a disabled person is a person with impairment who experiences disability. Disability is the result of negative interactions that take place between a person with impairment and her or his social environment. Impairment is thus, part of a negative interaction but it does not justify disability (Araoz *et al.*, 2008). Araoz *et al.* (2008) further explains impairment as an injury, illness or congenital condition that causes or is likely to cause a loss or difference on psychological or physiological function.

Disability is the loss or limitation of opportunities to take part in the society on an equal level with others due to social and environmental barriers (Nedbank HR Projects, 2010). A person has a disability under the terms of the Disability Discrimination Act (DDA) 1995 if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities.

Physical or mental impairment includes sensory impairment. Hidden impairments are also covered (for example, mental illness or mental health problems, learning disabilities, dyslexia, diabetes and epilepsy). The conditions that are not considered as disability includes but is not limited to, wearing contact lenses or wearing spectacles unless if the person's vision remains substantially impaired in spite of wearing thereof, compulsive gambling, stealing, sexual behavior disorders against public policy and normal deviations in height.

Progress has been made in employing people with disabilities and the discrimination of people with disabilities in workplaces. Mostly deep seated societal beliefs still impact negatively on how people with disabilities are seen or viewed. These beliefs shape both attitude and behavior with regards to the people with disabilities that are encountered in day to day living. Very often able-bodied people experience discomfort when dealing with a person with a disability; this is because of the belief about reality that is in opposition to what it is.

Disability is part of our reality, it is part of life. According to Collins & Mathews (2012), there are two models of disability, the medical model and social model. They further state that the medical model of disability view creates a cycle of dependency and exclusion which is difficult to break. The medical model thinking can predominate in schools where special educational needs are thought of as resulting from the individual who is seen as different, faulty and needing to be assessed and made as normal as possible.

The social model of disability thinking views the barriers that prevent people with disability from participating in any situation as the disabling factor. This model of disability sees the position of people living with a disability and the discrimination they face as socially created.

It has little to do with impairments; the social model arises from defining impairment and disability as very different things. Clearly, this thinking has important implications for the inclusion of people with disability in the workplace. Prejudicial attitudes towards people living with disabilities and indeed again all minority groups are not inherited; they are learned through contact with the prejudice and ignorance of others.

Only through educating people in the paradigm shift from the medical view of disability to the social view of disability can people with disabilities experience full inclusion into the mainstream economy. The attitudinal barriers and discriminatory behaviors that people with disabilities experience tend to be based in the invalidated personal bias and prejudice that society and its members carry about disability (Nedbank's EE Committee, 2011).

If people were to start from the point of view of all individuals' right to belong and be valued in their workplace, they would start by looking at what is wrong with the workplace and looking at the strengths of the individual. While disabilities can range from physical or mental impairments which limits one or more major life functions, those with disabilities can provide a wide range of valuable skills, talents and abilities to the workplace and as such deserve equal opportunities that other potential employees receive. A person's disability has little to do with a person's ability to perform. There are many advantages of employing people with disabilities; firstly, it boosts staff morale and team development by creating a diverse working environment which contributes to a positive work culture.

Despite common misperceptions, studies have shown that people with disabilities are more reliable, take fewer days off work, are very loyal and, therefore, have higher retention rates and are highly productive once in the right position (Nedbank HR Projects, 2010). Having discussed what is disability it is, therefore, important to understand reasonable accommodation of people with disabilities in the workplace.

2.4 WHAT IS REASONABLE ACCOMMODATION ?

Reasonable accommodation refers to modifications or alterations to the way a job is normally performed to make it possible for a suitably qualified person with a disability to perform as everyone else (Rycroft & Jordaan, 1999). Crowley (2005) also concurs with the previous definition and said reasonable accommodation is about making adjustments to enable people with disabilities to access a service or to perform to full capacity in their job. This therefore means reasonable accommodations are the means by employers to enable the people with disabilities to perform the essential functions of the job.

Reasonably accommodating people with disabilities is now a legal requirement under both the Employment Equality Act, 1998 and the Equal Status Act, 2000. It is not a requirement if it gives rise to more than a minimal cost, a figure which will depend on the scale and resources of any particular organisation (Crowley, 2005). Reasonable accommodation may be temporary or permanent depending on the nature and extent of the disability.

Examples of reasonable accommodation include adapting existing facilities to make them accessible, adapting existing equipment or acquiring new equipment including computer hardware and software, re-organising work stations, changing training and assessment materials and systems, restructuring jobs so that non-essential functions are re-assigned, adjusting working time and leave, providing readers, sign language interpreters and providing specialised supervision, training and support (Crowley, 2005).

Making reasonable accommodation of people with disabilities is currently a particular focus in the work of the Equality Authority (EA). The type of reasonable accommodation required would depend on the job and its essential functions, the work environment and the person's specific impairment (Buhmann, 2005). Employers should reasonably accommodate the needs of people with disabilities; this is both non-discrimination and an affirmative action requirement.

According to the Disability Discrimination Act (1995), employers are required to make reasonable adjustments for workers with disabilities, including allocating employees with disabilities' work to someone else, transferring employees with disabilities to another post or another place of work, making adjustments to the work facility, providing flexible work hours, providing training or retraining if employees with disabilities cannot do their current job any longer, providing modified equipment, making instructions and manuals more accessible and providing a reader or interpreter.

The code of good practice for disability stipulates that employers should reasonably accommodate the needs of people with disabilities; the aim of the accommodation is to reduce the impact of the impairment of the person's capacity to fulfill the essential functions of a job. Employers may adopt the most cost-effective means that are consistent with effectively removing the barrier to a person being able to perform the job and to enjoy equal access to the benefits and opportunities of employment.

Reasonable accommodation applies to applicants and employees with disabilities and may be required during the recruitment and selection processes, in the working environment, in the way work is usually done, evaluated and rewarded and lastly, in the benefits and privileges of employment.

The obligation to make reasonable accommodation may arise when an applicant or employee voluntarily discloses a disability, related accommodation need or when such a need is reasonably self-evident to the employer. Furthermore, employers must also accommodate employees when work or the work environment changes or impairment varies which affects the employee's ability to perform the essential functions of the job (Crowley, 2005).

Consultation between the employer and employee is necessary; where possible, technical experts to establish appropriate mechanisms to accommodate the employee, the particular accommodation will depend on the individual, the impairment and its effect on the person, as well as on the job and the working environment. An employer may evaluate work performance against the same standards as other employees but the nature of the disability may require an employer to adapt the way performance is measured. Furthermore, they need not accommodate a qualified applicant or an employee with a disability if this would impose an unjustifiable hardship on the business of the employer.

Unjustifiable hardship is action that requires significant or considerable difficulty or expense and that would substantially harm the viability of the enterprise; this involves considering the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the business (Crowley, 2005). An accommodation that imposes an unjustifiable hardship for one employer at a specific time may not be so for another or for the same employer at a different time. Reasonable accommodation measures may include making the workplace more accessible according to the person's needs, for example the removal of physical barriers, existing facilities can be adapted to make them accessible, for example, building a ramp to ensure wheelchair access and making toilets accessible.

Lifts must be equipped with special numbering for blind persons; very often only minor adjustments are necessary to make a disabled person's workplace accessible and to ensure that he/she is an independent employee. Access to information and technology is very important and this includes adapting existing or acquiring new equipment, for example, computer hardware and software whereby visually impaired persons may require voice input/output software or magnifying software.

Furthermore, excellent hearing aids are available on the market today that will increase a hearing impaired person's ability to communicate. If the job requires action to be taken in response to a signal or sign and the relevant sense is impaired, for example, vision, the signal may be converted for another sense and a bell sound may be used instead; likewise, in the case of hearing impaired persons, a bell sound can be replaced with a signal light flasher.

These modifications are usually easily incorporated in, or added to, existing machines. Re-organising workstations to ensure that people with disabilities can work effectively and efficiently, for example, adjusting work schedules if necessary. For example, in the Nedbank Call Centre a blind employee's working times within lost card division has been changed after he raised it up with HR that he struggles to work the 4pm-12pm shift and also one the staff member in Transactional Investment Products division who had epilepsy and to work night shift was changed to only work day shift where all first aid people are available in case of an emergency. Brian Phathela, Head of organisational development and transformation in Nedbank retail predicts depression/ bipolar to be the highest disability that banks are going to deal with in year 2020 due to the nature of the work they do and looking in the current cases Nedbank has on depression. He further states that the most used reason of non-performance in the banking sector is bipolar as a disability and emphasises the importance of disclosure to employees with disabilities. Many jurisdictions require employers to use reasonable accommodation to achieve substantive equality and prevent discrimination against people with disabilities (Buhman, 2005).

Employment Equity Act defines reasonable accommodation as "any modification or adjustment to a job or to a working environment that will enable a person from a designated group to have access to or participate or advance in employment" (Nedbank HR Projects, 2010). The code of good practice for disability elaborates on ways of accommodating people with disabilities; people with disabilities constitute a designated group. Members of designated groups enjoy enhanced protection under the EEA especially in the form of affirmative action. The Constitution and the EEA prohibit discrimination on the grounds of disability.

According to the code of good practice for disability, employees who become disabled during employment should, be re-integrated into work where possible. If an employee becomes disabled, the employer should keep in touch with the employee and encourage early return-to-work.

This may require vocational rehabilitation, transitional work programmes and where appropriate, temporary or permanent flexible working time. If an employee is frequently absent from work for reasons of illness or injury, the employer may consult the employee to assess if the cause of the illness or injury is a disability that requires accommodation. Where possible employers should offer alternative work, reduced work or flexible work placement so that employees are not compelled or encouraged to apply for benefits if they could, with reasonable accommodation, continue in employment. It is important to understand that if an employee becomes disabled, the employer should consult the employee to assess if the disability can be reasonably accommodated. In instances where it cannot, the employer should consult the employee to explore the possibility of alternative employment appropriate to the employee's capacity.

Therefore, if the employee is unable to be accommodated or there is no appropriate alternative employment, the employer may terminate the employment relationship. When employees who have disabilities are dismissed for operational requirements, the employer should ensure that any selection criteria do not directly or indirectly unfairly discriminate against people with disabilities. Employers who provide disability benefits should ensure that employees are fairly advised before they apply for the benefits available and before resigning from employment because of a medical condition.

Dismissal on a prohibited ground of discrimination is automatically unfair, implicit and, therefore, in the duty to accommodate employees is the employer's obligation to prevent discrimination. Consequently, if an employer fails to reasonably accommodate an employee with disabilities, the dismissal of that employee is not merely unfair but automatically unfair. An employer who unreasonably refuses to make any accommodation that falls short of unjustified hardship or refuses to give reasons for not making an accommodation is irrational.

According to Crowley (2005), accommodations are modifications or alterations and the type of accommodation required is dependent on the job and its essential functions, the work environment and the person's specific impairment (individual needs).

Reasonable accommodation is very often misunderstood and as a result its implementation gets corrupted. Whilst the principle of reasonable accommodation is usually agreed, it is the implementation that stifles the process.

Within the banking sector, there are number of challenges that are met with regards to the process of implementing reasonable accommodation. It is important for both employers and employees to understand their expectations with regards to reasonable accommodation.

2.4.1 Provision of reasonable accommodation by the employer, the role of Human Resources Department

According to the Occupational Health and Safety Act, the employer must provide and maintain a working environment that is safe to all employees and the needs of employees with disabilities must be included. Evacuation procedures should take into account any specific or additional measures to ensure that an employee with a disability is safely evacuated from a building or work site during emergencies. The employer is required to ensure the retention of existing staff with disabilities through rehabilitation, training or any other appropriate measure.

In a scenario where an existing employee becomes disabled, the employer must ensure that the employee remains in his/her job before considering alternatives, for example, re-deployment. Based on operational requirements, the employer must give objective consideration to requests from employees with disabilities for reduced, part-time or alternative duties.

The obligation to make reasonable accommodation available may arise when an applicant or employee voluntarily discloses a disability related accommodation need, or when such a need is self-evident to the employer. The employer should consult the employee and, where reasonable and practical, also consult technical experts for advice. The Code of Good practice in disability emphasizes the point of confidentiality in matters of disclosing disability.

It states that employers, including health and medical services personnel, may only gather private information relating to employees if it is necessary to achieve a legitimate purpose.

Human resources must protect/maintain the confidentiality of the information that has been disclosed and must take care to keep records of private information relating to the disability of applicants and employees confidential and separate from general personnel records (Code of Good Practice).

When an employer no longer requires the information it must be returned to the employee or be destroyed or rendered anonymous. Employers may not disclose any information relating to a person's disability without the written consent of the person concerned.

When accommodation is required, the disabled employee should be able to explain the type of accommodation that they require relating to the specific nature, degree and severity of the disability and if the accommodation is provided, he/she needs to commit to performing adequately.

The final decision about the type of accommodation they require must be made, but be responsible enough to know that it must be a possible, cost effective option for both parties (employer & employee). Under the American Disability Act (1990), an employer can be let off from the expectations associated with reasonable accommodation if the employer can demonstrate that it creates an undue hardship on the organisation.

Undue hardship, another elusive term in the Americans Disability Act legislation, has been successful as a defense for employers when the reasonable accommodation creates a significant organisational expense. Criteria for this defense indicates that the reasonable accommodation must be either exceedingly difficult to implement, cause extensive organisational disruption or create a significant change to the mission and/or operations of the organisation. According to Felsberg (2005), there is no one-size-fits-all accommodation; it will vary depending on the individual and type of disability involved, an employer must analyse each individual request for an accommodation to determine whether the requested accommodation is reasonable. Research shows that once the employer determines that the employee's condition is a disability and the

requested accommodation is reasonable, it must be determined whether the requested accommodation would create an undue hardship for the employer.

Undue hardship would exist if the accommodation would cause significant difficulty or expense for an employer to provide the requested accommodation. The question of whether the accommodation would create an undue hardship requires an analysis of the resources of the employer in comparison with the expense to the employer of providing the request. According to Felsberg (2005), undue hardship refers to the impact the accommodation has on the operation of the employer's business in light of specific factors, namely, accommodation's cost, overall financial resources of the employer, overall size and structure of the employer's workforce also the number, type and locations of the employer's facilities, geographical location of the different facilities and the financial relationship of the facility at which the employee works to the employer, facility's overall financial resources, number of employees at the separate facility, effect on seniority rights of other employees and/or effect on other resources and expenses (Felsberg, 2005).

If providing the requested accommodation would result in an undue hardship, an employer should consider whether another accommodation exists that would not. The employer need not accommodate a qualified applicant or an employee with a disability if this would impose an unjustifiable hardship on the business of the employer. Unjustifiable hardship is action that requires significant or considerable difficulty or expense and that would substantially harm the viability of the enterprise (EEA, 1998).

This involves considering the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the business. In general, larger employers are expected to make accommodation requiring greater effort or expense than a smaller employer particularly if many people with disabilities would be likely to benefit. Employers should adopt the best option consistent with the need for effectively removing the barrier to the applicant or employee.

2.4.2 Employees Responsibilities on Reasonable Accommodation

It is an employee's responsibility to disclose if he/she has a disability and if he/she requires the employer to accommodate his/her needs so he/she can perform on the job. The proper non

discriminative disclosure should be followed starting from an employee bringing medical proof to the employer (Collins & Mathews, 2012).

When accommodation is required, the disabled employee should be able to explain the type of accommodation that they require relating to the specific nature, degree and severity of the disability. According to the Employment Equity Act, 1998 people with disabilities are entitled to keep their disability status confidential, but if the employer is not aware of the disability or the need to be accommodated, the employer is not obliged to provide it. In instances where disability is not self-evident the employer may require the employee to disclose sufficient information to confirm the disability or the accommodation needs.

If the employer disputes that the employee is disabled or that the employee requires accommodation, the employer is entitled to request the employee to be tested to determine the employee's ability or disability, at the expense of the employer.

Information about disability may be technical. Employers should ensure that a competent person interprets the information, if an employer requires further information this must be relevant to a specific job and functions. There are times where accommodating the employee requires the co-operation of other employees. It may be necessary to reveal the fact of a person's disability if it is not otherwise obvious, to some of the person's colleagues, particularly a supervisor or manager (Collins & Mathews, 2012). The employer may, after consulting the person with the disability, advise relevant staff that the employee requires accommodation, without disclosing the nature of the disability, unless this is required for the health or safety of the person with the disability or other persons.

According to Aliber (2002), disclosure is the voluntary sharing of personal information with a third party, with regards to the code of good practice surrounding issues of disability. He further defines disclosure as a process where an individual sharing relevant details concerning a disability that they may be living with. Disclosure of disability should be managed sensitively and in line with the best practice. It should be voluntary and free of persuasion or incentives; policies that protect confidentiality assist towards creating disclosure friendly environment which make the employee

feel at ease. An accommodation requested by an employee must be related to the employee's disability.

Employees have to understand that they have the right to ask for accommodation at any stage of the employment process, be responsible enough to know that it must be a possible option for both employee and the employer.

2.5 THE ROLE OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT DEPARTMENT IN CREATING A GREAT PLACE TO WORK FOR PWD

The Human Resources (HR) department plays a crucial role in accommodating people with disabilities. They are tasked with the implementation process on reasonable accommodation; the organisation has to make minor adaptations to Human Resources Management policies and practices in order to accommodate people with disabilities at a legal compliance level (Felsberg, 2005). These policies are only looked at when required and mainly only focuses on physical barriers. According to the Nedbank employment equity committee, HR needs to play a huge role in accommodating people with disabilities from recruitment and selection, induction, training to performance management.

Nedbank is a diverse and an inclusive organisation consisting of people with different skills, strength and abilities. As they strive to create a great place to work, bank, and invest, it is important to remain at the forefront of transformation to ensure that the organisation remains relevant in a transforming society (Nedbank Disability Statistics, 2015).

This includes creating an environment that is welcoming to people with disabilities by providing them with reasonable accommodation. When Nedbank or any employer reasonably accommodates the needs of people with disabilities, it reduces the impact of disability on their ability to fulfil essential job functions. Reasonable accommodation also removes performance barriers and provides equal access to the benefits and opportunities of employment. Focusing on building an inclusive diversified environment that is welcoming to people with disabilities means making changes to working areas, considering technological modifications, leave policies, making

information accessible in alternate formats or making changes to tasks and working hours to accommodate every employee (Silver & Koopman, 2000).

Reasonable accommodation measures should be assessed and implemented in relation to the individual needs of the individual within their specific environment. However, there are similarities which highlight the complexity and diversity of the measure (Nedbank Disability Awareness, 2011).

The banking environment is a highly pressurising, diverse, dynamic and challenging environment where employees work long hours and in different shifts, with accuracy being an inherent requirement in performing duties, high compliance standards as stipulated in the code of banking practice and old buildings that employees have to work in which are not accessible. All accommodations differ per individual disability.

2.6 CONCLUSION

There is no single definition of disability but research shows it starts with impairment and needs to be proven medically; disability is just a condition. If the society can remove the way people with disabilities are viewed as and stop the perception that they cannot perform on their inherent jobs because they have a disability, avoidance of discrimination can be easy and it can be easier to find better ways to reasonably accommodate people with disabilities. Once an employee has proven medically that the disability exists, the onus rests on them to disclose such information to the employer. An employer is obliged to accommodate the needs of the employee as long as there will be no hardships for both parties.

CHAPTER THREE

LEGISLATIVE COMPLIANCE

3.1 INTRODUCTION

This chapter is designed to discuss the legislation that governs disability. It seeks to explain and compare what different acts say about disability while it also gives information on when is it unfair for an employer to dismiss a person with disabilities. It begins by discussing legislation from an international perspective then moves to present the South African legislation, and then case-laws on unfair treatment of employees with disabilities.

3.2 BACKGROUND ON LEGISLATION GOVERNING REASONABLE ACCOMMODATION

Research shows that even though South Africa (SA) is now governed by a new democratic order historical workplace inequalities still need to be addressed. Not only compelled to redress inequalities by the constitution, the South African government was motivated by the International Labour Organisation (ILO) to enact laws that would prohibit discrimination and promote the economic advancement of the majority. Therefore, in an effort to narrow the gap between previously advantaged and disadvantaged individuals, the government of South Africa passed a series of employment laws mandating amongst other things, affirmative action. By doing so the government was seeking to ensure that all employers are being compelled to take positive steps to redress disadvantage and inequality.

The Constitution and several statutes including the Employment Equity Act (EEA) and the Labour Relations Act (LRA) and Codes of Good Practice protect employees with disabilities as a vulnerable group because they are a minority with attributes different from mainstream society. Unemployment, lower wages, poorer working conditions and barriers to promotion plague people with disabilities locally and abroad. Their employment rate is less than a third of the general population. Many employers tend to exclude and marginalise employees with disabilities not merely because the disability impairs the employee's suitability for employment, but also because the employer regards the disability as an abnormality or flaw.

Some employers may find it more convenient to budget for a disability dismissal than to attempt to accommodate an employee. When these attitudes feature in decisions about people with disabilities, they can create innate prejudice, stereotyping and stigma. Different Acts provide directives on how to manage disability.

3.3 THE INTERNATIONAL LABOUR ORGANISATION

The International Labour Organisation (ILO) has had a long involvement in promoting decent work for persons with disabilities based on the principles of equal opportunity, equal treatment, mainstreaming, and community involvement (Thomas & Robertshaw, 1999). The principle of non-discrimination is increasingly emphasised as disability issues have come to be seen as human rights issues. Main ILO instruments relating to the right to decent work for people with disabilities and prohibiting discrimination on the basis of disability include: ILO Convention No. 159 on Vocational Rehabilitation and Employment. ILO prohibits discrimination of people with disabilities inclusive of children and women with disability. It emphasises the importance of equality for all.

The South African government was motivated by the International Labour Organisation (ILO) to enact laws that would prohibit discrimination and promote the economic advancement of the majority (Thomas & Robertshaw, 1999). The objective of the ILO code of practice is to provide practical guidance on the management of disability issues in the workplace with a view to ensuring that people with disabilities have equal opportunities in the workplace, improving employment prospects for persons with disabilities by facilitating recruitment, return to work, job retention and opportunities for advancement, promoting a safe accessible and healthy workplace, assuring that employer costs associated with disability among employees are minimised including healthcare and insurance payments and, in some instances, maximising the contribution which workers with disabilities can make to the enterprise. Having discussed the ILO perspective, it is therefore crucial to embark upon the whole concept of international law with regards to reasonable accommodation of people with disabilities.

3.4 THE INTERNATIONAL LAW

This section deals with international and comparative law such as the Americans with Disability Act, Disability Discrimination Act and European Union laws. The Acts of parliament from an international perspective are discussed below.

3.4.1 The Americans with Disabilities Act of 1990

The Americans with Disability Act (ADA) was passed in 1990 to broaden the scope of protection afforded to disabled employees in the private sector. The definition of a qualified individual with disability is given in Section 101(8), as an individual with or without reasonable accommodation who can perform the essential functions of the job. ADA further states that not to make reasonable accommodation would be a form of discrimination unless the employer can show undue hardship, for example, significant difficulty or expense to the employer.

The ADA is intended to both protect individuals with disabilities and reduce the expenses of the Social Security Disability Insurance Program by helping disabled individuals get jobs. Most states and some large cities have their own disability laws that mirror or extend the ADA. The ADA focuses on two areas: eliminating discrimination in employment and reducing physical barriers to persons with disabilities participating in the workplace and having access to public spaces. The Americans with Disabilities Act (ADA) (1990) prohibits discrimination against People with Disabilities (PWD), particularly qualified workers with disabilities. It was amended in 2008 to specifically define the classifications of disability as: an impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such impairment. Major life activities include walking, reading, bending and communicating, as well as major bodily functions.

Specifically, the provisions of the ADA require equal opportunity in selecting, testing, and hiring qualified applicants with disabilities and, job accommodation for applicants and employees with disabilities when such accommodation would not impose undue hardship and equal opportunity in promotion and benefits. The employment provisions of the ADA do not apply to employers with fewer than 15 employees.

The ADA prohibits discrimination against a qualified individual with a disability, defined as an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such candidate holds. The ADA also prohibits discrimination based on perceived disability, which is when the employer wrongly assumes an employee cannot do a job because of a disability, such as assuming a diabetic cannot be a police officer. Furthermore, (ADA) is a significant piece of discrimination legislation that merits ongoing managerial exploration.

This civil rights legislature indicates that employers are expected to provide reasonable accommodations to employees with reported disabilities (Collins & Mathews, 2012). The statute also indicates that employers can refuse to offer a reasonable accommodation if doing so creates an undue hardship on the organisation. However, health care managers should exercise extreme caution when using undue hardship as a defense against providing reasonable accommodation to employees with disabilities (Collins & Mathews, 2012). This point should be duly noted by health care managers given that studies indicate that lawsuits alleging disability discrimination are on the rise. This is unfortunate given the costs of reasonable accommodation are typically very small.

When a disabled employee is not capable of performing the functions of his or her job, the ADA requires that employers find a reasonable accommodation for the disabled worker if he or she is otherwise qualified for the position. The term reasonable accommodation means altering the job environment or the application method so that a qualified individual is still capable of doing the job and, therefore, is provided unequal employment opportunity.

3.4.2 The Disability Discrimination Act of 1995

United Kingdom (UK) Disability Discrimination Act (DDA) was introduced to use the law as a lever to improve employers' practices. The public sector equality duty introduced in the revised DDA 2005 was accurately seen both by unions and by disabled people in general as a critical opportunity to make significant progress towards equality in employment and in service provision. Trade unions and disabled workers, therefore, face a new reality.

New laws, a new economic situation, and new government policies between them make it vital that union officers and workplace representatives are in a position to challenge discrimination within the workplace and to promote equality. It urges Unions to listen carefully to the voices of their disabled members.

It is important to understand that the DDA, 1995 makes it illegal to discriminate against people with disabilities (PWD) in any aspect of employment. Under the DDA, employers are required to make reasonable adjustments for workers with disabilities, including allocating employees with disabilities' work to someone else, transferring employees with disabilities to another post or another place of work, making adjustments to the work facility, providing flexible work hours, providing training or retraining if employees with disabilities cannot do their current job any longer, providing modified equipment, making instructions and manuals more accessible, and providing a reader or interpreter (DDA, 1995).

3.4.3 European Union (EU)

The EU has two laws or directives that prevent people from being discriminated against on the grounds of race and ethnic origin, namely, The Racial Equality Directive, and on the grounds of religion or belief, disability, age or sexual orientation, The Employment Framework Directive.

The two directives define a set of principles and provide a common minimum level of legal protection against discrimination. The provisions of these directives are enacted through national law in each Member State. The directives provide a framework for equal treatment in employment regardless of racial or ethnic origin, religion and belief, disability, sexual orientation or age (Thomas & Robertshaw, 1999).

They require employers in member states to provide workers with disabilities with 'reasonable accommodation' to facilitate access to employment, including adapting the workplace to individual workers with a disability.

The International perspective discussed above provides a background on disability on other countries and what is expected to be done in order not to unfairly discriminate those with

disabilities. It is important that we look at the South African laws and their directives with regards to disability and reasonable accommodation.

3.5 LEGISLATION GOVERNING DISABILITY IN SOUTH AFRICA

This section deals with South African acts that govern disability, such as, the Employment Equity Act, Code of Good Practice on disability and the Labour Relations Act. The discussion begins with the Constitution of the Republic of SA as it functions as an overall to all the acts that were passed with regards to reasonable accommodation.

3.5.1 The Constitution of the Republic of South African Act No. 108 of 1996

The Constitution (Act No. 108 of 1996) is the supreme law of the Republic and the obligations imposed by it must be fulfilled. The state is mandated to respect, protect, promote and fulfill the rights of all people in the Bill of Rights. The Constitution applies to natural and juristic persons, as well as all law. It binds the legislature, the executive, the judiciary and all organs of state. The Bill of Rights (Chapter 2) specifically prohibits direct and indirect discrimination, by the state or an individual, against anyone on the basis of disability.

By implication, therefore, the denial of any other Constitutional right on the basis of disability constitutes a violation of a disabled person's right. Provision is made in the Constitution for affirmative action concerning people with disabilities, in that it allows for positive measures to be taken to promote the achievement of equality for categories of persons disadvantaged by unfair discrimination.

The 1996 Constitution, as the supreme law of the Republic of South Africa, protects the rights of people with disabilities. Further enabling legislation needs to be developed and discriminatory legislation from the past must be amended to ensure that these rights are upheld and enforced in all areas of governance and society aspirations and ideals.

The basis for progressively redressing the situation of people with disabilities in South Africa lies in the Constitution, which upholds the values of human dignity, equality, freedom and social justice in a united society where all may flourish.

The South African Constitution of 1996 states that all people of South Africa have a right to the democratic values of human dignity, equality and freedom; everyone is equal before the law and has the right to equal protection and benefits of the law.

The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds including, for example, race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability and religion. In attempt to ensure that all people are able to equally enjoy rights and freedoms as stated in the constitution, legislation has been developed. In this endeavor, the legislation and other protective measures have been designed to protect or advance people (or groups of people) who have been disadvantaged by unfair discrimination in the past (Nedbank Disability Awareness, 2011). Groups who have been severely disadvantaged by unfair discrimination in the past are termed designated groups and are inclusive of Black people, women and people with disability. Therefore, we need to acknowledge that people with disabilities have a right to employment and non-discriminative recruitment and to be treated fairly in the workplace.

3.5.2 The Employment Equity Act No. 55 of 1998

The Employment Equity Act, No. 55 of 1998 (EEA) protects people with disabilities against unfair discrimination and entitles them to affirmative action measures. The main purpose of this Act is to provide for employment equity through measures like affirmative action which will redress the imbalances of the past. The EEA sets out to achieve equity by promoting the constitutional right to equality as well as the exercising of true democracy.

EEA is there to promote the constitutional right of equality, to eliminate unfair discrimination in employment, to ensure the implementation of employment equity, to redress the effects of discrimination and to achieve a diverse workforce broadly representative of our people. It also seeks to promote economic development and efficiency in the workforce.

This requirement gives effect to the obligations of the republic as a member of the ILO. Section (6) of the EEA prohibits unfair discrimination against employees on the grounds of disability or

illness; this means that an employer may not discriminate against an employee merely due to the fact that the employee is disabled.

The act obliges employers to find ways of recruiting and seeking ways to accommodate people with disabilities. In terms of Section 6(1) of the EEA relating to the prohibition of unfair discrimination, unfair discrimination is prohibited in the following terms: “No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on any one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth” (EEA No. 55 of 1998). It should be noted that the above grounds that are prohibited with regard to discrimination is not a comprehensive list and any other arbitrary ground may be declared discriminatory.

The prohibitive or arbitrary grounds listed in Section 6(1) of the EEA reflect those listed in Section 9(3) of the constitution. Unfair discrimination has not been defined or established by the EEA; the EEA does, however, prohibit both direct and indirect unfair discrimination. Looking at the EEA it contains only a basic structure on the prohibition of unfair discrimination.

In terms of Section 15(2)(c), the EEA makes provision for the reasonable accommodation of people from designated groups. According to Section 15(2)(d), employers should institute measures to promote representativeness across its workforce so that it reflects the demographics of the national population. Section 15(3) read with Section 15(2)(d) (i) and (ii) requires that people from designated groups must be given preferential treatment and that employers must set and strive to achieve its numerical goals accordingly.

3.5.3 The Code of Good Practice on Employment of People with Disabilities (2002)

On the advice of the Commission for Employment Equity (CEE), the Minister of Labour introduced a Code of Good Practice on the key aspects of disability in the workplace in August 2002. This document provides a definition of disability and clarifies what reasonable accommodation for people with disabilities’ means. It explains how unfair discrimination can be avoided and employment equity achieved, right from recruitment to termination of employment.

The Code of Good Practice is intended to help employers and employees understand their rights and obligations, promote certainty and reduce disputes to ensure that people with disabilities can enjoy and exercise their rights. Furthermore, the Code of Good Practice on employment of people with disabilities is not an authoritative summary of the law, nor does it create additional rights and obligations. Failure to observe the code does not in itself render a person liable in any proceedings. However, courts and tribunals must consider it when interpreting and applying the EEA. The Code is intentionally general because every person and situation is unique and departures from its standards may be justified in appropriate circumstances. However, there are many unfounded assumptions about the abilities and performance of job applicants and employees with disabilities. Employers often set selection criteria that exclude people with disabilities and workplaces and training facilities are often inaccessible and inappropriate for people with disabilities.

Employees who become disabled are often dismissed for poor performance or incapacity, or they resign unnecessarily. They are often encouraged or forced to apply for disability benefits and they tend to retire earlier than other employees do, when reasonable accommodation of their needs would allow them to continue working as productive employees. Employers, employees and their organisations should use the Code of Good Practice to develop, implement and refine disability equity policies and programmes to suit the needs of their own workplaces.

The Code of Good Practice is a guide for employers and employees including trade unions on key aspects of promoting equal opportunities and fair treatment for people with disabilities as required by the EEA (Nedbank Disability Awareness, 2011). The Code of Good Practice on the employment of People with Disabilities in terms of the EEA also helps to create awareness of the contributions that people with disabilities can make in the workplace.

It is intended to help employers and employees understand their rights and obligations promote certainty and reduce disputes to ensure that people with disabilities can enjoy and exercise their rights at work; it is not an authoritative summary of the law. The Code of Good Practice and Technical Assistance Guidelines (TAG) are used together to provide a detailed working document that provides information and advice for employers, employees and trade unions to fully understand the rights in terms of EEA.

Both the Code of Good Practice and TAG form the basis for the implementation of the provisions of the EEA. They will be used as the guidance to the employer when implementing the Act and as a guide to court when there is a dispute.

3.5.4 Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000 (PEPUDA)

The purpose of PEPUDA is to prevent and prohibit unfair discrimination, harassment, and hate speech. Persons who do not fall within the scope of the EEA can bring a claim of unfair discrimination under PEPUDA. So, for example, independent contractors who fall outside the scope of the EEA can be liable or sued under PEPUDA. The legislation does not only apply in the workplace, but also applies to the state and all of the individuals living within it. PEPUDA is intended to be a key legislative tool to respect, promote and fulfill the equality right. It provides for measures to educate the public and raise public awareness on the importance of promoting equality and overcoming unfair discrimination, hate speech and harassment and to provide remedies for victims of unfair discrimination. It seeks to translate the equality right into practical rules. In fact, PEPUDA is considerably more explicit than the EEA on the content of the core concepts of discrimination law. PEPUDA gives effect to Section 9 of the Constitution by providing for the equal enjoyment of all rights and freedoms by every person; the promotion of equality; the values of non-racialism and non-sexism contained in Section 1 of the Constitution.

The prevention of unfair discrimination and protection of human dignity as contemplated in both Sections 9 and 10 of the Constitution and the prohibition of advocacy of hatred, based on race, ethnicity, gender or religion, that constitutes incitement to cause harm as contemplated in Section 16(2)(c) of the Constitution. Section 9 of the Constitution provides for the enactment of national legislation to prevent or prohibit unfair discrimination and to promote the achievement of equality.

This implies the advancement, by special legal and other measures, of people with disabilities as a historically disadvantaged group. PEPUDA has met this provision, expanding on the constitutional provisions prohibiting unfair discrimination and guaranteeing equality before the

law. It gives effect to the letter and spirit of the constitution, in particular to the principles of equality, fairness, social progress, justice, human dignity and freedom.

Chapter 5 of the Act mentions that it is the general duty of the state to promote equality. Significantly, the Act also rules that the promotion of equality is the responsibility of persons operating in the public and private domains; this means all of us. The Act provides for positive measures to eradicate systemic discrimination and to promote equality with regard to race, gender and disability; this includes the involvement of the South African Human Rights Commission and the obligation of state departments to implement anti-discrimination policy and practice within all state structures and programmes.

Discrimination, according to the definition in the act, means any act or omission, including a policy, law, rule, practice, condition or situation which imposes burdens, obligations or disadvantages on or withholds benefits, opportunities or advantages from, any person on one or more of the prohibited grounds, which include disability and any other ground that might disadvantage a person, "undermines human dignity" or adversely affects an individual's rights and freedoms (PEPUDA Act No. 4 of 2000).

3.5.5 The Labour Relations Act No. 66 of 1995

The Labour Relations Act (LRA) is legislation that sought to address inequalities in the workplace. Section 187(1) (f) of the (LRA) says that: "A dismissal is automatically unfair if the reason for the dismissal is that the employer unfairly discriminated against an employee, directly or indirectly, on any arbitrary ground, including, but not limited to race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language, marital status or family responsibility."

3.5.5.1 Code of Good Practice on Dismissal: LRA Schedule 8

Both Section 10 and Section 11 of Schedule 8 deal specifically with incapacity dismissal due to ill-health or injury. These two sections provide clarity on what an employer is expected to do, what steps to follow to dismiss an employee for ill-health related incapacity. The key principle in this code is that employers and employees should treat each other with mutual respect; employees

should be protected from arbitrary action and should receive justice. Likewise, employers are entitled to expect satisfactory conduct and work performance from their employees so that the organisation can operate efficiently.

3.5.5.2 Section 10: Incapacity - Ill health and injury

Incapacity on the grounds of ill health or injury may be temporary or permanent. If an employee is temporarily unable to work in these circumstances, the employer should investigate the extent of the incapacity or the injury. If the employee is likely to be absent for a time that is unreasonably long in the circumstances, the employer should investigate all the possible alternatives short of dismissal. When alternatives are considered, relevant factors might include the nature of the job, the period of absence, the seriousness of the illness or injury and the possibility of securing a temporary replacement for the ill or injured employee.

In cases of permanent incapacity, the employer should ascertain the possibility of securing alternative employment, or adapting the duties or work circumstances of the employee to accommodate the employee's disability. In the process of the investigation, the employee should be allowed the opportunity to state a case in response and to be assisted by a trade union representative or fellow employee.

The degree of incapacity is relevant to the fairness of any dismissal; the cause of the incapacity may also be relevant. Particular consideration should be given to employees who are injured at work or who are incapacitated by work-related illness. The courts have indicated that the duty on the employer to accommodate the incapacity of the employee is more difficult in these circumstances.

3.5.5.3 Section 11: Guidelines in cases of dismissal arising from ill health or injury

Any person determining whether a dismissal arising from ill health or injury is unfair should consider whether or not the employee is capable of performing the work; if the employee is not capable, the extent to which the employee is able to perform the work; the extent to which the employee's work circumstances might be adapted to accommodate disability, or, where this is not possible, the extent to which the employee's duties might be adapted and lastly, the availability of any suitable alternative.

Having discussed legislation that governs disability and reasonable accommodation in South Africa it is essential to look into some cases on unfair dismissal based on disability.

3.6 CURRENT WORKPLACE CASELAWS ON UNFAIR DISMISSALS BASED ON DISABILITY

People with disabilities are protected by law in the country. It is, therefore, unfair to dismiss an employee based on his/her disability; if the employer has to dismiss an employee for poor work performance, the guidelines set by the LRA must have been followed. If the person is injured while employed, the employer has to give the disabled person an alternative employment where he/she can perform adequately. The reasonable accommodation of people with disabilities is important to the organisation to retain the skill and avoid turnover. The banking environment is diverse yet challenging and is a high pressure environment; it needs people who are able to work long hours and under very high compliance standards. The Code of Banking Practices regulates the compliance standards of all banks in South Africa. Research shows that there are still roles in the bank where a person with disability cannot be hired in, for example, wheelchair handicap cannot be a teller due to the nature of their seats.

The bank as an employer is obliged to accommodate the needs of the disabled employed. Section 6 of the EEA prohibits unfair discrimination against employees on the grounds of disability or illness. This means that an employer may not discriminate against an employee simply because the employee is disabled. In fact the same Act obliges employers to find ways of recruiting and seeking ways to accommodate people with disabilities. Furthermore, Section 187(1)(f) of the LRA states that a dismissal is automatically unfair if the reason for the dismissal is that the employer unfairly discriminated against an employee, directly or indirectly, on any arbitrary ground, including, but not limited to race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language, marital status or family responsibility.

Below is the example of the case on Incapacity and unfair discrimination on disability grounds; In *Nedbank Ltd v CCMA and Others [2008] 29 ILJ 1289 LC*, the judgment illustrate how thin the

dividing line between ordinary dismissal for incapacity and automatically unfair dismissal for disability may be. The employee in this case was involved in a fatal motor vehicle accident. She suffered severe back pains.

She found it difficult to continue doing normal duties. The employer, (Bank) sympathised with her and offered a light administrative work. She found it to be uninspiring and requested a telephone sales job. She then found it difficult to sit and requested headset to enable her to work properly and the employer refused and demoted her to a paper shredding job. A year later after the accident, she was frequently absent from work. The Bank acknowledged that she is unlikely to be able to resume her normal functions and asked to be medically boarded, the application of which was refused. Two years after the accident, she was dismissed for incapacity. She referred the matter to the CCMA for unfair dismissal.

The commissioner held that the dismissal was unfair. On review, the court disagreed with the commissioner's view stating that the Bank had been patient, tolerant and even charitable to the employee. That observation, said the court, was inconsistent with the finding that the bank failed to obtain a report by the occupational therapist and to consult with the employee about possible adaptations to her workstation, as it had been recommended by her medical doctor.

The court noted that the claim for of unfair dismissal on incapacity ground goes further than the LRA may seem to suggest. Such dismissals involve a number of constitutional rights, for instance, right to equality, human dignity, to choose occupation and to fair labour practices. Further, that the finding that the Bank discriminated against her did not assist her because she had not mounted her case in the CCMA on that basis.

The court further noted that had she initially approached the court with a claim based on unfair discrimination, her claim should have been successful.

In *Standard Bank v CCMA (2013) 18 ILJ 903 (LC)*, the employee in this case was dismissed for being rude and aggressive to the client as per company policy. The employee claimed that he was bipolar to justify his actions but the employer had no medical proof for that as the employee never

disclosed his disability when he started working with Nedbank and no one knew about it. This case's award has not been updated as it is still new (Disability Education Workshop, 2016).

In the case of *Wylie and Standard Executors & Trustees (2006) 27 ILJ 2210 (CCMA)*, the employee was diagnosed with multiple sclerosis. An insurance claim for disability was submitted, but it was found that she was not totally and permanently disabled. The panel suggested that the employee be accommodated in the current role or secondly, that she be assisted to pursue something outside of the bank or thirdly, that an alternative role be sought in the bank. The employer did not consider the first option to be feasible and that the other two options would be explored for three months. Her service was subsequently terminated. The CCMA subsequently found the dismissal to be unfair because the employer did not comply with the provisions of the Code of Good Conduct in the LRA. The CCMA stated that it was imperative that an occupational therapist be involved to determine the functional ability of the employee. (McPherson & Lindsay, 2011)

Furthermore, on the case in *Steyn v South African Airways WE2717/2007*, an in-flight services co-ordinator was dismissed for incapacity due to ill health. The employee had undergone a knee operation and was unable to perform flight duties for almost two years. The employer ignored the advice of its own aviation medicine specialist who had recommended that the employee be sent to an occupational therapist.

The commissioner found that there was not enough evidence to determine whether the employee would be able to resume duties later. The dismissal was found to be unfair. Though, it might be clear that the employee is failing to do the work employed to do, the employer may not dismiss at this stage.

The employer should establish whether there are alternatives to dismissal, for instance, offering the employee extended unpaid leave. It is also important to note that the employee has the right to be heard before the employer could take any decision. Further, that the employee has the right to his confidentiality regarding medical related issues and consent from the employee must always be obtained. It is imperative to note that each case will depend on its own circumstances.

Furthermore, employees who deliberately abuse their sick leave will be dealt with under the normal procedure for dismissal, for example, disciplinary hearing for misconduct. (Integrated Design Consultants (IDC), 2002).

The aforementioned case laws demonstrate that unfair treatment of employees with disabilities still exists but mostly it shows that most employees still do not understand their duty as employers to reasonably accommodate employees with disabilities in the workplace while managing a fair non-discriminatory disclosure process. Reasonable accommodation is an affirmative action measure that has the purpose of reducing the limiting effect of a person's impairment; without understanding the definition of disability it is impossible to implement reasonable accommodation (Collins & Mathews, 2012). South Africa like most countries needs every skilled employee to contribute towards the prosperity of the country.

People with disabilities have an important role to play to make a positive contribution in the workplace (Hills, 2002). It is generally found that a person with a disability develops into a well-adjusted, productive worker in an atmosphere of acceptance, co-operation and goodwill. Furthermore, Collins and Mathews (2012) asserted that employees with disabilities are more productive than their co-workers (able-bodied) and are normally less absent from work and display great loyalty towards their company. Far more people with disabilities should be given the opportunity to enter the workforce.

Disability is a human rights and development issue, meaning that people with disabilities should enjoy equal rights and responsibilities to other people. Most importantly, disclosure of disability should be managed sensitively and in line with the best practice; the disclosure process should be voluntary and free of persuasion or incentives. It is important for organisations to have a policy that protects confidentiality to assist towards creating a disclosure friendly environment.

3.7 CONCLUSION

Managing disability in the workplace is like any other business function and requires a clearly defined strategy that is guided by best practice and upholds principles of non-discrimination. The literature review has demonstrated that people with disabilities are part of the workforce and it is important that they are not unfairly discriminated against but instead that their needs are accommodated to enable perform in their inherent jobs adequately.

Having discussed the legislation that has been passed and implemented to protect people with disabilities at work, it is clear that the legislation serves as guidance to everyone with regards to reasonable accommodation and elimination of discrimination based on disability. It is evident from the discussions above that legislation alone cannot be enough but society and environment in which people with disabilities function have a huge and influential role to play.

CHAPTER FOUR

THE RESEARCH DESIGN

4.1 INTRODUCTION

The purpose of this study was to examine the extent in which people with disabilities are reasonably accommodated in the workplace. In this chapter, the researcher presents the objectives and hypotheses and the research design that will be adopted in order to fulfill the former. This involves an elucidation of the population, the sample and the sampling technique to be adopted. The chapter includes an explanation of the data collection method to be utilised and statistical analyses adopted to ensure the psychometric properties of the measuring instrument will also be discussed. Techniques of data analyses will also be explained. Decisions regarding all methods selected in the design will be justified.

4.2 OBJECTIVES OF THE STUDY

The study aims:

- (iv) To investigate the extent to which employees with disabilities are reasonably accommodated in the Nedbank retail division in terms of Nedbank's disability policy and leave policy.
- (v) To explore challenges faced by both the employer (Nedbank) and employees with regards to reasonable accommodation in terms of the code of good practice and the Employment Equity Act No. 55 of 1998.
- (vi) To demonstrate what can be done by the Nedbank Retail to reasonably accommodate people with disabilities.

4.3 HYPOTHESES OF THE STUDY

The hypotheses of the study include:

Hypothesis 1

Respondents' perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees significantly relates to their perceptions of fairness and awareness of disability policies

Hypothesis 2

Employees varying in biographical profiles (gender, age, marital status, education, disability) differ significantly in their perceptions of the key dimensions of the study (reasonable accommodation of people with disabilities and equal opportunities for all employees and, fairness and awareness of disability policies) respectively.

4.4 SAMPLING TECHNIQUE AND DESCRIPTION OF THE SAMPLE

More often a population is too big to reach every individual and, thus, makes the task cumbersome. To overcome this problem, the researcher selects a subset of the population to study. This research was about reasonable accommodation of people with disabilities in Nedbank retail and Nedbank Retail consist of 17 250 employees but only 677 with disabilities (Nedbank Retail Disability Report, 2015).

The target population was employees with disabilities in Nedbank retail but the sample for the study comprised of employees with disability in junior level, middle level and some in senior level so that we get to understand reasonable accommodation from both the management and employee perspectives. According to Welman and Kruger (2001), sampling is the selection of some of the elements within a population so as to draw conclusions about the population. Likewise, Bryman and Bell (2007) maintain that a sample is but a portion or part of the population of interest. This, therefore, means a sample is a subset of population and is representative of the population. Vanderstoep and Johnston (2009) further list four reasons why sampling is important, namely, lower costs, greater accuracy of results, greater speed of data collection and the availability of population elements.

A sampling frame, however, is defined as the list of all elements that are present in the population from which the sample will be selected (Bryman & Bell, 2007). This implies that in the bank the number of employees is a finite number that represents the employee population.

Because of this fact, the sample was drawn from a particular group of people, for example, the sample to be used in this study will be employees from junior, middle and senior management level.

This study made use of the probability sampling method. Probability sampling methods are used when elements in the population have a known chance of being chosen as subjects in the sample (Sekaran & Bougie, 2010). The probability sampling method selected for this research is simple random sampling. This sampling design is best when the generalisability of the findings to the whole population is the main objective of the study.

The simple random sampling has the least bias and offers the most generalisation. The total headcount for Nedbank retail is 17 250 with 667 people with disabilities. According to Sekaran and Bougie’s (2010) population-to-sample size table, for a population of 667, the corresponding minimum sample should be 245. This sample will comprise of 30 senior managers with disabilities, 90 PWDs from middle management and 125 junior staff (Table 4.1).

Table 4.1
Required sample size

Category of participants	Population	Sample size
Senior Managers	172	30
Middle Management	366	90
Junior staff members	139	125
Total	667	245

Nedbank intranet (HR Online) Nedbank Ltd disability statistics. (2015). Retrieved on 12 March 2015 from <http://myworkspace.nednet.co.za>

The composition of the final sample may be tabulated in terms of its biographical profiles (Table 4.2).

Table 4.2
Composition of Sample

Biographical Variables		N	%
Gender	Male	99	46
	Female	116	54
	Total	215	100
Age	20-29 years	63	29.3
	30-39 years	81	37.7
	40-49 years	64	29.8
	50-59 years	7	3.3
	60 years and over	0	0
	Total	215	100
Marital status	Single	115	53.5
	Married	88	40.9
	Other	12	5.6
	Total	215	100
Education	Matric	74	34.4
	Diploma	48	22.3
	Degree	67	31.2
	Honours	23	10.7
	Masters & PhD	3	1.4
	Total	215	100
	Disability	Auditory	23
Mental		30	14
Physical		70	32.6
Progressive diseases		15	7
Visual		20	9.3
Non-verbal/Speech impaired		5	2.3
Other		52	24.2
Total		215	100

From Table 4.2 it is evident that a sample of 215 was secured. In order to ensure the adequacy of the sample, the Kaiser-Meyer-Olkin Measure of Sampling Adequacy and Bartlett's test of Sphericity will be undertaken and the results presented in Chapter 5. Table 4.2 presents the biographical profiles of the participants which will be graphically presented and described:

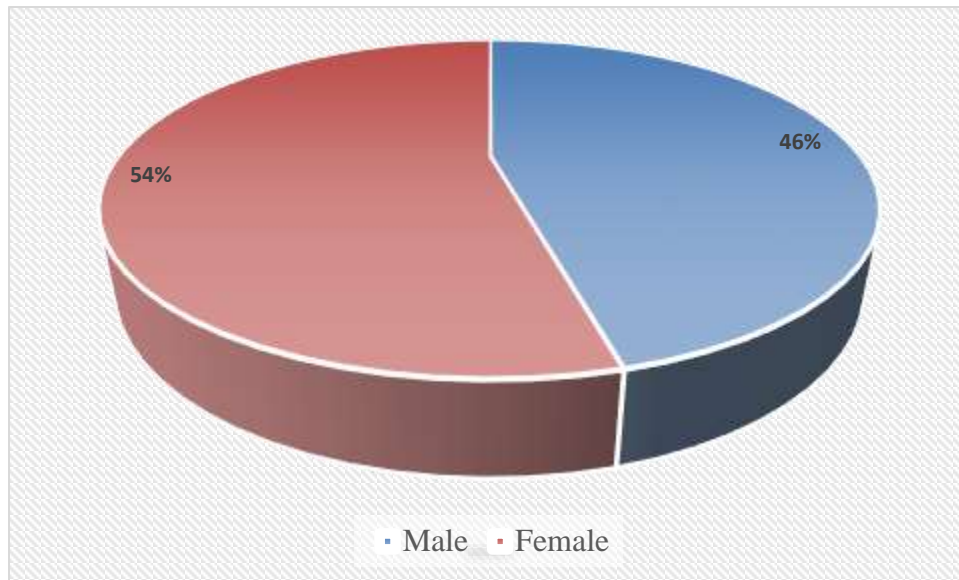


Figure 4.1
Pie Chart – Gender

From Figure 4.1 it is evident that the sample comprises of more female respondents with disabilities (54%) than males (46%).

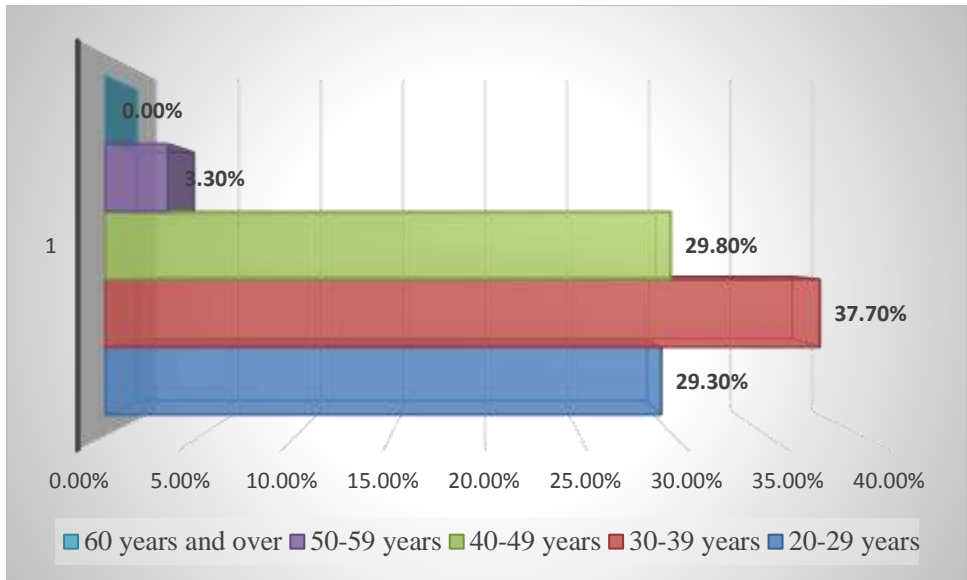


Figure 4.2
Bar Chart – Age

Figure 4.2 displays the age profiles of participants with the majority of people with disabilities being between the ages of 30-39 years (37.7%), followed by those between the age of 40-49 years (29.8%), then those within the ages of 20-29 years (29.3%) and lastly, those between the ages of 50-59 years (3.3%).

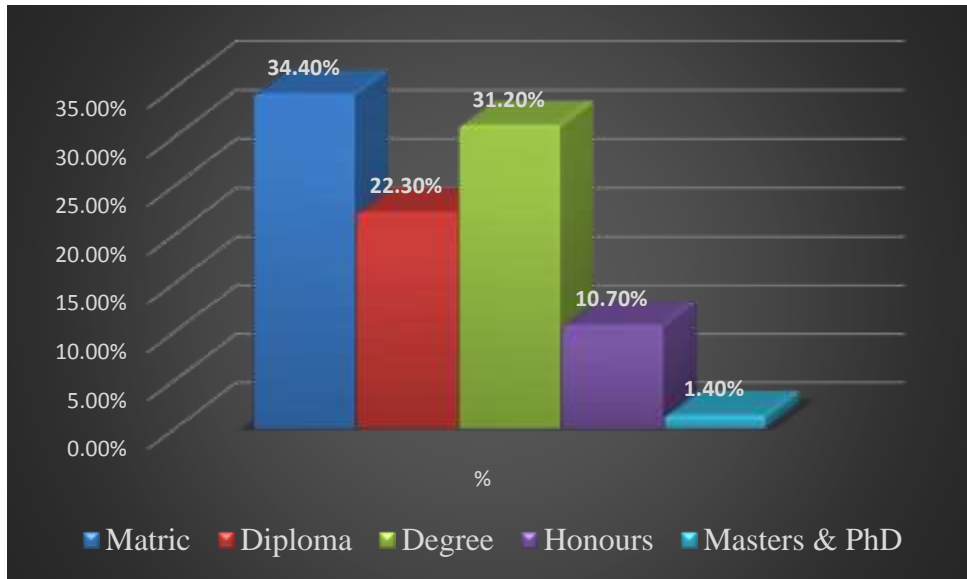


Figure 4.3
Column Chart – Education

It is evident from Figure 4.3 that the majority of the sample participants have matriculated (34.4%), followed by those who have a Degree (31.2%), those with a Diploma (22.3%) and then those with an Honours qualification (10.7%) and only 1.4% having a Masters or Doctoral qualification.

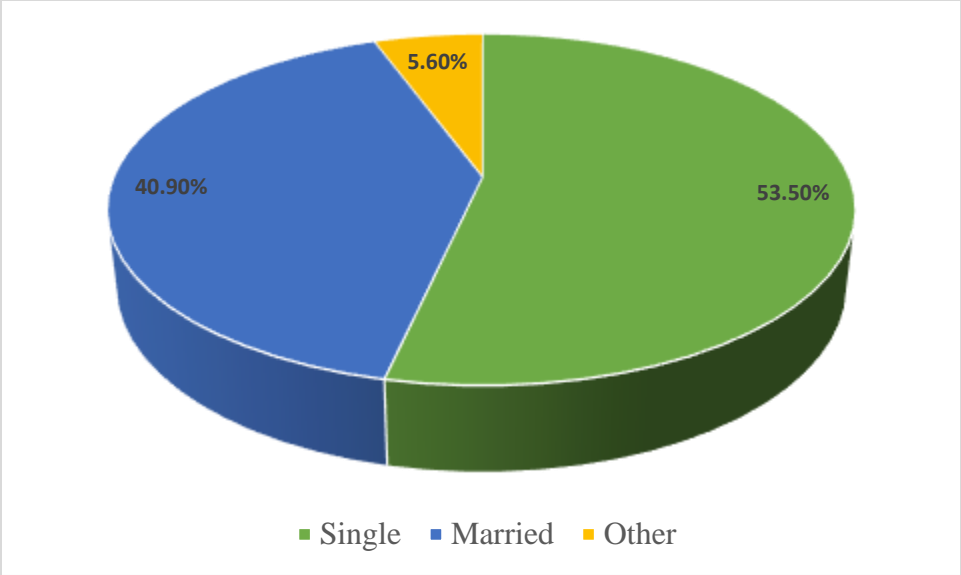


Figure 4.4
Pie Chart – Marital Status

Figure 4.4 displays the sample’s marital status where it is evident that 53.5% of the sample were single while 40.9% were married and 5.6% comprised of other (divorced and non-disclosure).

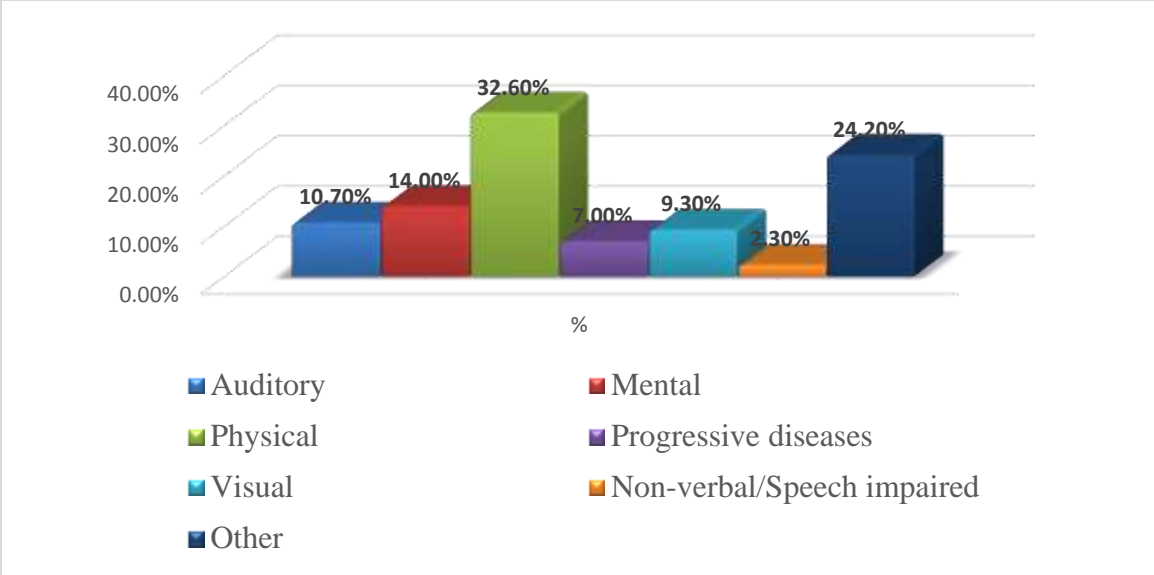


Figure 4.5
Column Chart – Disability

Figure 4.5 indicates the disabilities that the participants had. It is evident that the majority had physical disabilities (32.6%) while 24.2% had other disabilities (diseases affecting legs or hands, diabetes, injury on duty complications that are affecting the spinal cord, those who did not want to disclose their disabilities, temporal disability, and dyslexia). Furthermore, 14% of the participants had mental related disabilities, whereas 10.7% were those with auditory or hearing disabilities. In addition, 9.3% of the participants had visual disabilities, 7% had progressive diseases and only 2.3% have non-verbal disabilities.

In the study, the researcher used mixed methods design, particularly a concurrent embedded strategy. A concurrent embedded strategy is a concurrent approach to inquiry that combines both quantitative and qualitative data (Cresswell, 2009). It involves the simultaneous collection of quantitative and qualitative data in one phase. Creswell (2009) asserts that it is more than simple collecting and analysing both kinds of data; it also involves the use of both approaches in tandem so that the overall strength of the study is greater than either qualitative or quantitative research.

It provides the study with the advantages of both quantitative and qualitative and enables the triangulation of results. In addition, by using two different methods in this manner, the researcher will be able to gain perspective from the different types of data or different levels within the study (Creswell, 2009).

The quantitative in quantitative research contains the word quantity something that can be counted, so quantitative research includes any research methods that produce hard numbers which can be turned into statistics (Welman & Kruger, 2001). Qualitative research methods answer questions beginning with words like when, where, how many and how often (Sekaran & Bougie, 2010). Whilst quantitative research methods include surveys and controlled experiments, qualitative research is the method of inquiry that seeks to understand social phenomena within the context of the participant's perspectives and experiences. The research methods of qualitative research are more flexible, responsive and open to contextual interpretation than in quantitative research, which uses inventory, questionnaire or numerical data to draw conclusions.

While quantitative research can tell you when, where, and how often things happen, qualitative research looks at the why and how. Qualitative research produces observations, notes, and descriptions of behavior and motivation (Welman & Kruger, 2001). Research methods in this category include

- Interviews: either a series of structured questions, or allowing a subject to narrate their experience,
- Focus groups: soliciting observations from groups of people who share a similar attribute to give opinions on a topic,
- Reviews: combing through scholarly literature or other published writings to determine attitudes towards a subject,
- Observation: researchers watch people on their daily routine and make notes or recordings documenting their behavior.

Naturally, mixing research methods helps gather comprehensive evidence and gives a more complete picture of what it is one is studying. This study will use mixed methods, both quantitative and qualitative so they can complement each other and get more information required in different means of data collection; the researcher will use both questionnaires and interviews to collect data.

Only senior management staff were interviewed to gather information on what the banks have done to reasonably accommodate employees with disabilities. Questionnaires were personally administered by the researcher and were given to junior staff members and middle management to understand perceptions of employees with regards to reasonable accommodation.

In the banking sector, it is impossible to conduct interviews with junior employees or client facing employees due to the nature of the working environment as they are scheduled and work under camera surveillance which makes it difficult to speak to them freely as you need to schedule time in advance.

4.5 DATA COLLECTION

The data collection method used for this study was both self-completion questionnaires and face-to-face interviews.

4.5.1 Questionnaires

According to Creswell (2009), questionnaires are an efficient data collection method when the researcher knows exactly what is required and how to measure the variables of interest. In this study, the questionnaires were administered to junior staff members and middle management. It is important to the researcher to discover also if the employees with disabilities feel that the banking environment is a suitable place to work in. The questionnaire designed consisted of two sections, namely, Section A and Section B (Appendix A).

Section A included biographical information relating to gender, age, marital status, education and nature of disability. The nominal scale was used in Section A of the questionnaire with pre-coded option categories.

According to Sekaran and Bougie (2010), the nominal scale allows the researcher to assign subjects to certain categories or groups. Section B included 21 questions relating to reasonable accommodation and enables the researcher to determine if the employees feel reasonably accommodated. The 5 point Likert scale ranging from strongly disagree (1), disagree (2), neither agree nor disagree (3), agree (4) to strongly agree (5) has been used in Section B of the questionnaire. The questionnaire also has 4 items which are negatively worded items, namely, 11, 12, 13 and 14.

The 21 items in Section B assess two main areas. Items 1 to 10 were aimed at assessing the reasonable accommodation of people with disabilities, to better understand the feeling amongst the employees if they believe their needs are being taken care of and if the bank is the great place to work in. Items 11 to 21 assessed the fairness and awareness of disability policies by staff. (The questionnaires was personally administered by the researcher. This was advantageous because groups of employees responded and information was collected in a short period of time. It is less expensive to personally administer questionnaires and questions that respondents had were immediately clarified.

Personally administered questionnaires:

- Enable the researcher to establish a relationship and motivate the respondent to complete the questionnaire;
- Enables the researcher to clarify any doubts that may exist;
- Are very cost effective when administered to groups of respondents;
- Enables an almost 100% response rate
- Ensures a high level of anonymity of the respondent.

Before the data was collected a pilot study was undertaken using the same protocols that was used for the larger study, where 5 questionnaires were administered to employees and two managers were interviewed. According to Creswell (2009), there are few reasons why it is important to conduct pilot testing in research:

- Developing and testing adequacy of research instruments.
- Assessing the feasibility of a (full-scale) study/survey.

- Designing a research protocol.
- Assessing whether the research protocol is realistic and workable.
- Establishing whether the sampling frame and technique are effective.
- Identifying logistical problems which might occur using proposed methods.
- Estimating variability in outcomes to help determining sample size.
- Collecting preliminary data.
- Determining what resources (finance, staff) are needed for a planned study.
- Assessing the proposed data analysis techniques to uncover potential problems.
- Developing a research question and research plan.

4.5.2 Interviews

According to Sekaran and Bougie (2010), it is advantageous to use face-to-face interviews because:

- The interviewer can establish rapport and motivate the respondent,
- the interviewer has the option to clarify where the respondent does not understand, clear doubt, add new questions,
- the interviewer also can read non-verbal cues,
- Most of all through interviews the interviewer can use visual aids to clarify points.
- Through interviews rich data can be obtained.

Senior Managers in the business were interviewed using the interview schedule (Appendix B) to understand if they feel that employees with disabilities are reasonably accommodated. There are only 9 interview questions which would entail an interview session of about 15 minutes. The interview consisted of 7 open ended questions and 2 closed questions, namely, Question 1 and Question 5.

4.6 STATISTICAL ANALYSIS OF THE QUESTIONNAIRE

The psychometric properties of the questionnaire were statistically assessed.

4.6.1 Validity

Validity, according to Coolican (1992) as cited in Welman and Kruger (2001), is the degree to which the results of the study are accurately representing what is really happening in a specific situation. Coolican (1992), as cited in Welman & Kruger (2001), further argues that the test is only valid if it measures what the researcher claims it does. It, therefore, follows that any inaccuracy in the research procedure, poor sample and inaccurate measure will result in a compromised validity.

Validity can be measured by submitting the data for factor analysis; the results of factor analysis will confirm whether or not the theorised dimensions emerge (Sekaran & Bougie, 2010). Hence, in this study factor analysis was undertaken to statistically assess the validity of the questionnaire. Factor analysis reveals whether the dimensions are indeed tapped by the items in the measure as theorised (Sekaran & Bougie, 2010).

4.6.2 Reliability

The reliability of a measure is established by testing both consistency and stability (Sekaran & Bougie, 2010). The reliability of a scale indicates how free it is from random error; the two frequently used indicators of a scale's reliability are test-retest and internal consistency (Welman & Kruger, 2001). Furthermore, reliability according to Creswell, (2009) is concerned with the consistency and credibility of the research findings as these have a direct impact on the generalisability of the results. Reliability attests to the consistency and stability of the measuring instrument. In this study reliability was statistically assessed using Cronbach's Coefficient Alpha. Cronbach Coefficient Alpha is a reliability coefficient that indicates how well the items in a set are positively correlated to one another; it is an adequate test of internal consistency reliability (Sekaran & Bougie, 2010).

4.7 DATA ANALYSIS

This section outlines the data analysis techniques used. The researcher used a Statistical Package for Social Science (SPSS 21) to process the results. Data was analysed using both descriptive and inferential statistics.

4.7.1 Descriptive statistics

Descriptive Statistics included the use of frequencies, percentages and measures of central tendency and dispersion.

According to Creswell (2009), frequencies simply refer to the number of times various sub-categories of a certain phenomenon occur from which the percentage and the cumulative percentage of their occurrence can be easily calculated. There are three measures of central tendency; the mean, the median and the mode. Measures of dispersion include the range, the standard deviation and the variance.

Sekaran and Bougie (2010) describe the mean/average as a measure of central tendency that offers the general picture of the data without unnecessarily inundating one with each of the observations in a data set. They further refer to the median as a central item in a group of observations when they are arrayed in either an ascending or descending order. The mode is defined as the most frequently occurring phenomenon. The three measurements of dispersion connected with the mean are the range, variance and standard deviation. The range refers to the extreme values in a set of observations. The variance is calculated by subtracting the mean from each of the observations in the data set. The standard deviation is the measure of dispersion for interval and ratio scaled data, offers an index of the spread of a distribution or variability in the data and is a commonly used measure; it is simply a square root of the variance (Sekaran & Bougie, 2010).

4.7.2 Inferential statistics

Inferential statistics that was used to make decisions about the hypotheses of the study include:

- **Correlation** refers to the significance of the bivariate relationships among all the variables that were measured at an interval or ratio level.
- **Analysis of variance** (ANOVA) tests for significant mean differences in variables amongst multiple groups or ratio-scaled dependent variable.
- **Post-Hoc Scheffe's Test** is a statistical technique to predict the variance in the dependent variable by regressing the independent variables against it.
- **T-test** refers to a statistical test that establishes a significant mean difference in a variable between two groups.

- **Multiple regressions** use more than one independent variable to explain the variance in the dependent variable; it provides the means of objectively assessing the degree and the character of the relationship between the independent variables and the dependent variable; it is a multivariate technique that is used very often in business research (Sekaran & Bougie, 2010).

4.8 CONCLUSION

This chapter examined the research design and methodology, objectives of the study, hypotheses of the study and then elucidated the sampling and data collection methodologies that will be adopted in this study. The selected methods were considered to be suitable for this study because the researcher believes they will provide valid and measurable results. The data collection methods were discussed whilst providing both advantages and disadvantages. To get better results for the study it is important to understand the different research data collection methods and targeted population when conducting a research which the researcher took cognisance of when making methodological decisions in this chapter.

CHAPTER FIVE

PRESENTATION OF RESULTS

5.1 INTRODUCTION

A literature review was conducted on the key dimensions relating to the reasonable accommodation of employees with disabilities and equal opportunities for all such employees. The methodology was planned and implemented and the data was obtained. The raw data was captured using the Excel spreadsheet and processed using SPSS version 22. In this chapter, the results will be presented using tabular and graphical presentations.

5.2 DESCRIPTIVE STATISTICS

The perceptions of employees regarding disability, reasonable accommodation of employees with disabilities, equal opportunities for all employees and awareness as well as the fairness of disability policies was assessed by asking employees to respond to various aspects relating to two key dimensions of the study (reasonable accommodation of employees with disabilities and awareness and fairness of disability policies) respectively, using a 1 to 5 point Likert scale. The results were processed using descriptive statistics (Table 5.1).

Table 5.1
Descriptive Statistics: Key Dimensions of the Study

Dimension	Mean	95% Confidence Interval		Std. Dev.	Min.	Max.
		Lower Bound	Upper Bound			
Reasonable accommodation of people with disabilities and equal opportunities for all employees.	3.025	2.934	3.116	0.678	1	5
Fairness and awareness of disability policies.	3.378	3.320	3.436	0.429	2	4

From Table 5.1 it is evident, based on mean score values, that respondents are more aware and satisfied with the disability policies in the organisation (Mean = 3.378) than with the reasonable accommodation of people with disabilities and equal opportunities for all employees (Mean = 3.025). These are graphically represented in Figure 5.1.

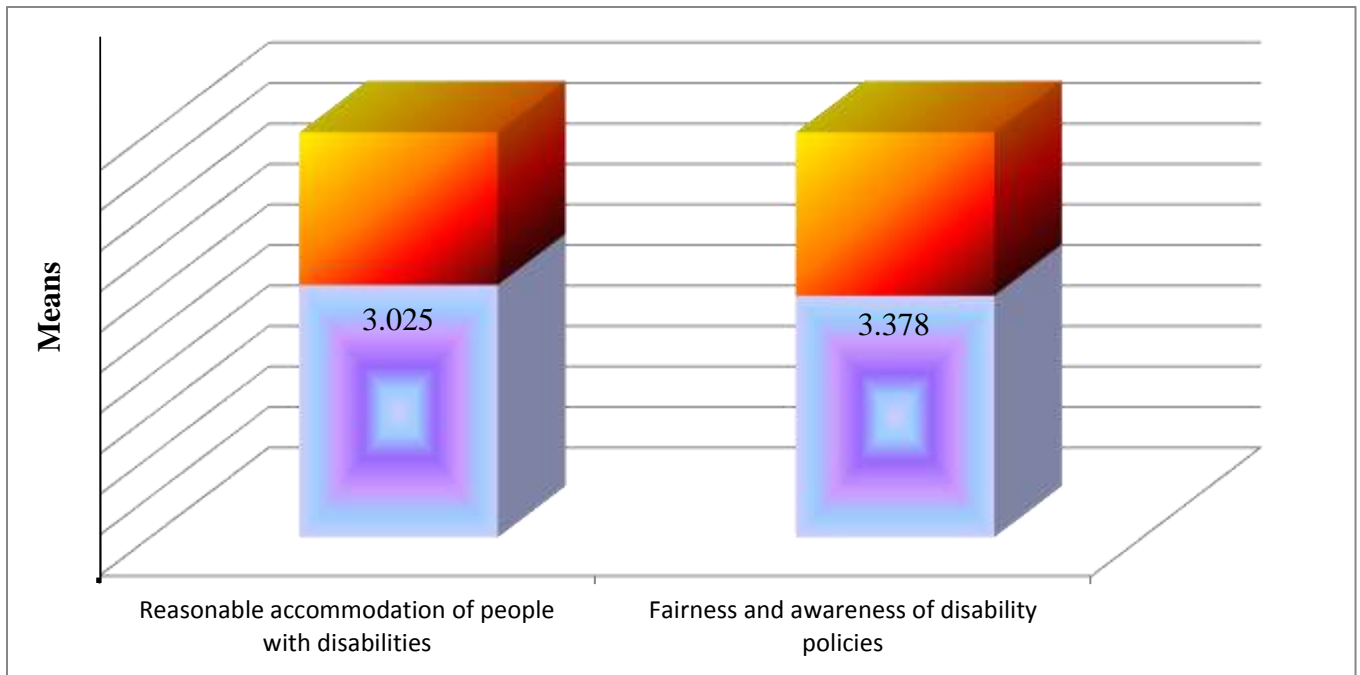


Figure 5.1

Bar Chart: Extent to which reasonable accommodation of people with disabilities and fairness and awareness of disability policies

The gradient blue shaded area of Figure 5.1 indicates the extent to which people with disabilities believe that reasonable accommodation of people with disabilities as well as fairness and awareness of disability policies is achieved in the organisation. The orange/red area of Figure 5.1 highlights the degree of improvement needed in these areas.

Evidently, when assessed against a maximum attainable score of 5, it is evident that there is room for improvement in each of the aspects of reasonable accommodation as reflected in Figure 5.1. In order to assess satisfaction and areas for improvement, frequency analyses were undertaken.

In terms of reasonable accommodation of people with disabilities and equal opportunities for all employees, 54% of the respondents agreed and a further 8.4% strongly agreed that the bank is applying affirmative action as a means to promote equality in the workplace.

Furthermore, 44.2% of the respondents agreed and a further 8.8% strongly agreed that employment opportunities are equal within the bank. However, 32.6% of the respondents strongly disagreed and a further 21.4% disagreed that there is a designated person/committee that has the authority to head hunt candidates with disabilities who possess appropriate skills, knowledge and experience necessary. Furthermore, 14.4% of the respondents strongly disagreed and a further 35.3% disagreed that the bank makes reasonable accommodation for people with disabilities. In addition, 43.3% of the respondents were not convinced that the disability policy is transparent and displayed to all to employees.

In terms of fairness and awareness of disability policies, 74% of the respondents agreed and a further 20.5% strongly agreed that it is an employee's duty to disclose his or her disability. Furthermore 48.4% of the respondents agreed and a further 3.3% strongly agreed that employees with disabilities are not given a chance and resources to perform their jobs adequately. In addition just over half of the respondents (51.2%) were convinced that the Human Resources department is fair in dealing with issues of disabilities. However, 26% strongly disagreed and a further 25.1% disagreed that they are aware of the company disability policy thereby indicating that more than half of the respondents (52%) indicated that they were not aware of the company disability policy. Furthermore, 46.5% of the respondents felt that a colleague needs to whistle blow if he/she feels discriminated on their role. In addition, only 35.8% of the respondents were not convinced that employees with disabilities are not given a chance and resources to perform adequately on their job. In other words, the remaining 64.2% of the respondents felt that employees with disabilities are not given a chance and resources to perform adequately on their job.

5.3 INFERENCE STATISTICS

Inferential statistics were used to test the hypotheses of the study.

5.3.1 Relationships amongst the 2 key aspects of reasonable accommodation

Inferential statistics were computed on the two key dimensions of reasonable accommodation, namely, reasonable accommodation of people with disabilities and equal opportunities for all employees and, fairness and awareness of disability policies.

Hypothesis 1

Respondents' perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees significantly relates to their perceptions of fairness and awareness of disability policies (Table 5.2).

Table 5.2

Spearman rank order correlation: Key dimensions of the study relating to reasonable accommodation

Dimension	r/ p	Reasonable accommodation of people with disabilities and equal opportunities for all employees	Fairness and awareness of disability policies.
Reasonable accommodation of people with disabilities and equal opportunities for all employees.	r p	1.000	
Fairness and awareness of disability policies.	r p	0.702 0.000*	1.000

* **p < 0.01**

Table 5.2 indicates that respondents' perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees significantly relate to their perceptions of fairness and awareness of disability policies at the 1% level of significance.

Hence, Hypothesis 1 may be accepted. Table 5.2 also reflects that there is a strong relationship between these aspects of reasonable accommodation ($r = 0.702$).

5.3.2 Impact of biographical variables

The influence of the biographical variables of gender, age, marital status, education and disability on the two key dimensions of the study (reasonable accommodation of people with disabilities and equal opportunities for all employees and, fairness and awareness of disability policies) respectively were evaluated using tests of differences (Kruskal-Wallis ANOVA and Mann-Whitney test).

Hypothesis 2

Employees varying in biographical profiles (gender, age, marital status, education, disability) differ significantly in their perceptions of the key dimensions of the study (reasonable accommodation of people with disabilities and equal opportunities for all employees and, fairness and awareness of disability policies) respectively (Table 5.3 to Table 5.11).

Table 5.3
Mann-Whitney Test: Key dimensions of the study and Gender

Dimension	Mann-Whitney U	Z	P
Reasonable accommodation of people with disabilities and equal opportunities for all employees	5424.500	-0.700	0.484
Fairness and awareness of disability policies	5015.500	-1.606	0.108

Table 5.3 reflects that male and female employees with disabilities do not differ significantly in their perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees. Table 5.3 also indicates that male and female employees with disabilities hold similar views on fairness and are equally aware of disability policies. Hypothesis 2 may not be accepted in terms of gender.

Table 5.4

Kruskal-Wallis Test: Key dimensions of the study and Age

Dimension	Chi-square	Df	P
Reasonable accommodation of people with disabilities and equal opportunities for all employees	6.316	3	0.097
Fairness and awareness of disability policies	30.088	3	0.000*

* **p < 0.01**

Table 5.4 indicates that employees with disabilities varying in age differ significantly in their views on fairness and are not equally aware of disability policies.

Furthermore, people with disabilities varying in age do not differ significantly in their views on reasonable accommodation of people with disabilities and equal opportunities for all employees. Hence, Hypothesis 2 may only be partially accepted in terms of fairness and awareness of disability policies and gender. In order to assess exactly where the differences lie in terms of fairness and awareness of disability policies, mean analyses were undertaken (Table 5.5).

Table 5.5

Mean Analyses: Fairness and awareness of disability policies and Age

Dimension	Age	N	Mean
Fairness and awareness of disability policies	20-29 years	63	76.75
	30-39 years	81	123.54
	40-49 years	64	124.46
	50-59 years	7	58.93
	Total	215	

From Table 5.5 it is evident that older employees with disabilities are more aware of disability policies and believe more strongly that there is fairness in disability policies than younger employees with disabilities.

Table 5.6

Kruskal -Wallis Test: Key dimensions of the study and Marital Status

Dimension	Chi- Square	Df	P
Reasonable accommodation of people with disabilities and equal opportunities for all employees	22.678	2	0.000*
Fairness and awareness of disability policies	20.586	2	0.000*

* **p < 0.01**

Table 5.6 reflects that employees with disabilities varying in marital status differ significantly in their perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees as well as fairness and awareness of disability policies respectively. Hence, Hypothesis 2 may be accepted in terms of marital status. In order to assess exactly where the differences lie, mean analyses were undertaken (Table 5.7).

Table 5.7

Mean Analyses: Reasonable accommodation and Fairness and awareness of disability policies and Marital status

Dimension	Marital status	N	Mean
Reasonable accommodation of people with disabilities and equal opportunities for all employees	Single	115	90.87
	Married	88	123.23
	Other	12	160.54
	Total	215	
Fairness and awareness of disability policies	Single	115	90.87
	Married	88	123.23
	Other	12	160.54
	Total	215	

From Table 5.7 it is evident that married employees with disabilities are more convinced that there is reasonable accommodation of people with disabilities and equal opportunities for all employees than single employees.

Furthermore, married employees with disabilities are more aware of disability policies and believe more strongly that there is fairness in disability policies than younger employees with disabilities. The other categories, who were most convinced comprised of those who are divorced and those who did not want to disclose.

Table 5.8
Kruskal -Wallis Test: Key dimensions of the study and Education

Dimension	Chi- Square	Df	P
Reasonable accommodation of people with disabilities and equal opportunities for all employees	10.989	4	0.027**
Fairness and awareness of disability policies	26.247	4	0.000*

* $p < 0.01$

** $p < 0.05$

Table 5.8 reflects that employees with disabilities varying in education differ significantly in their perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees at the 5% level of significance. Furthermore, Table 5.8 displays that employees with disabilities varying in education differ significantly in their perceptions of fairness and awareness of disability policies at the 1% level of significance. Hence, Hypothesis 2 may be accepted in terms of education. In order to assess exactly where the differences lie, mean analyses were undertaken (Table 5.9).

Table 5.9

Mean Analyses: Reasonable accommodation and Fairness and awareness of disability policies and Education

Dimension	Education	N	Mean
Reasonable accommodation of people with disabilities and equal opportunities for all employees	Matriculation	74	99.78
	Diploma	48	104.79
	Degree	67	120.51
	Honours	23	116.52
	Masters and PhD	3	17.33
	Total	215	
Fairness and awareness of disability policies	Matriculation	74	85.31
	Diploma	48	105.25
	Degree	67	136.99
	Honours	23	108.02
	Masters and PhD	3	64.00
	Total	215	

From Table 5.9 it is evident that as employees with disabilities become more educated they hold a more positive view of the extent to which there is reasonable accommodation of people with disabilities and equal opportunities for all employees in the organisation. Cognisance must be given to the fact that there are only 3 people with disabilities with a Masters or doctoral qualification. Furthermore, people with a degree are most convinced that there is reasonable accommodation of people with disabilities and equal opportunities for all employees in the organisation.

Likewise, Table 5.9 reflects that as employees with disabilities become more educated they are more aware of disability policies and believe more strongly that there is fairness in disability policies than younger employees with disabilities. Cognisance must be given to the fact that there are only 3 people with disabilities with a Masters or doctoral qualification. Furthermore, people with a degree are most aware of disability policies and believe most strongly that there is fairness in disability policies than other employees with disabilities.

Table 5.10

Kruskal -Wallis Test: Key dimensions of the study and Disability

Dimension	Chi- Square	Df	P
Reasonable accommodation of people with disabilities and equal opportunities for all employees	54.887	6	0.000*
Fairness and awareness of disability policies	32.291	6	0.000*

*** p < 0.01**

Table 5.10 indicates that employees with different disabilities differ significantly in their perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees at the 1% level of significance. Furthermore, Table 5.10 displays that employees with different disabilities differ significantly in their perceptions of fairness and awareness of disability policies at the 1% level of significance. Hence, Hypothesis 2 may be accepted in terms of disability. In order to assess exactly where the differences lie, mean analyses were undertaken (Table 5.11).

Table 5.11

Mean Analyses: Fairness and awareness of disability policies and Disability

Dimension	Disability	N	Mean
Reasonable accommodation of people with disabilities and equal opportunities for all employees	Auditory	23	58.65
	Mental	30	56.50
	Physical	70	129.65
	Progressive diseases	15	140.27
	Visual	20	102.58
	Non-verbal/speech impaired	5	68.20
	Other	52	127.00
	Total	215	
Fairness and awareness of disability policies	Auditory	23	60.43
	Mental	30	84.85
	Physical	70	124.09
	Progressive diseases	15	101.00
	Visual	20	109.60
	Non-verbal/speech impaired	5	50.40
	Other	52	127.68
	Total	215	

From Table 5.11 it is evident that employees with progressive diseases followed by those with physical disabilities and then those with visual disabilities are most convinced that there is reasonable accommodation of people with disabilities and equal opportunities for all employees in the organisation. Table 5.11 also reflects that employees with mental disabilities, followed closely by those with auditory disabilities and then non-verbal/speech impaired disabilities were least convinced that there is reasonable accommodation of people with disabilities and equal opportunities for all employees in the organisation.

In terms of fairness and awareness of disability policies, Table 5.11 indicates that employees with physical disabilities, followed by those with visual disabilities and then progressive diseases were most aware of disability policies and most convinced that the disability policies are fair.

Table 5.11 also indicates that employees with non-verbal/speech impaired disabilities, followed by those with auditory and then mental disabilities were least aware of disability policies and least convinced that the disability policies are fair. The other category included disabilities such as diseases affecting legs or hands, diabetes, injury on duty complications that are affecting the spinal cord, those who did not want to disclose their disabilities, temporal disability, and dyslexia.

5.4 STATISTICAL ANALYSIS OF THE QUESTIONNAIRE

The psychometric properties of the questionnaire (validity and reliability) were evaluated statistically. Before the Factor Analysis was conducted, the Kaiser-Meyer-Olkin measure (0.763) and the Bartlett's test of sphericity (2912.629; $p = 0.000$) were conducted which confirmed sampling adequacy, appropriateness and suitability respectively.

5.4.1 Validity

The validity of the self-developed questionnaire was evaluated using Factor Analysis (Table 5.12). When undertaking the Factor Analysis, only those items with item loadings >0.4 were included. Furthermore, when an item loaded significantly on both factors only that with the higher value was considered. Only factors with eigenvalues greater than unity were included (Table 5.12).

Table 5.12**Validity of the measuring instrument: Factor Analysis**

ITEM NO.	Component	
	1	2
B1	0.706	
B2	0.815	
B3	0.705	
B4	0.450	
B5		0.717
B6	0.768	
B7	0.629	
B8	0.786	
B9	0.555	
B10		0.498
B11		0.739
B12		0.807
B13	0.679	
B15	0.702	
B16		0.495
B17	0.449	
B19	0.572	
B20		-0.586
B21		0.743
% of Total variance	27.90	19.12
Eigenvalue	5.858	4.014

Table 5.12 indicates that twelve items load significantly on Factor 1 and account for 27.90% of the total variance. Eight items relate to the reasonable accommodation of people with disabilities and equal opportunities for all employees and four items relate to fairness and awareness of

disability policies. Since the majority of the items relate to the *reasonable accommodation of people with disabilities and equal opportunities for all employees*, Factor 1 may be labeled such. Table 5.12 indicates that seven items load significantly on Factor 2 and account for 19.12% of total variance. Two items relate to reasonable accommodation of people with disabilities and equal opportunities for all and five items relate to fairness and awareness of disability policies. Since the majority of the items relate to the *fairness and awareness of disability policy*, Factor 2 is labeled such. It must be noted that items B14 and B18 were excluded from the analysis as they were not greater than 0.4 but approached 0.4, that is, B14 (0.389) and B18 (0.376). However, from the results of the Factor Analysis it is evident that the two factors as proposed in the questionnaire have been generated thereby confirming that the questionnaire is valid in measuring the reasonable accommodation of employees with disabilities.

5.4.2 Reliability

The reliability of the self-developed measuring instrument was evaluated using Cronbach's Coefficient Alpha (Table 5.13).

Table 5.13

Reliability of the measuring instrument: Cronbach's Coefficient Alpha

Cronbach's Coefficient Alpha	0.850
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The greater the coefficient alpha value is to 1, the higher is the reliability or inter-item consistency. Table 5.13 indicates that the measuring instrument has a very high level of inter-item consistency (Cronbach's coefficient alpha = 0.850). The item loadings for the questionnaire range from 0.832 to 0.864. The reliability for each of the dimensions relating to successfully integrating millennials in the workplace were also assessed (Table 5.14 to 5.15).

Table 5.14**Cronbach's Coefficient Alpha: Reasonable accommodation of people with disabilities and equal opportunities for all employees**

Cronbach's Coefficient Alpha				0.856
Item-Total Statistics				
Item No.	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
B1	27.16	36.436	0.618	0.838
B2	27.02	37.934	0.641	0.837
B3	27.18	37.445	0.607	0.839
B4	27.15	37.380	0.560	0.843
B5	27.57	41.499	0.291	0.864
B6	26.86	36.466	0.722	0.829
B7	26.81	38.062	0.548	0.844
B8	26.92	36.544	0.722	0.829
B9	27.92	36.124	0.591	0.841
B10	27.64	40.352	0.352	0.860

Table 5.14 indicates that the items measuring the reasonable accommodation of people with disabilities and equal opportunities for all employees have a very high level of inter-item consistency (Cronbach's Coefficient Alpha = 0.856). The item reliabilities range from 0.829 to 0.864.

Table 5.15**Cronbach's Coefficient Alpha: Fairness and awareness of disability policies**

Cronbach's Coefficient Alpha			0.572	
Item-Total Statistics				
Item No.	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
B11	34.07	17.370	0.407	0.504
B12	33.88	18.770	0.354	0.525
B13	33.72	19.324	0.249	0.547
B14	34.48	21.569	-0.042	0.620
B15	33.87	18.370	0.287	0.538
B16	33.86	19.694	0.237	0.550
B17	32.69	19.176	0.374	0.525
B18	34.00	19.360	0.254	0.546
B19	33.06	20.707	0.229	0.556
B20	33.57	21.405	-0.018	0.612
B21	34.54	15.941	0.465	0.478

Table 5.15 indicates that the items measuring fairness and awareness of disability policies have a moderate level of inter-item consistency (Cronbach's Coefficient Alpha = 0.572). The item reliabilities range from 0.478 to 0.620.

5.5 QUALITATIVE ANALYSIS

Qualitative data was analysed using content analysis and the results are presented based on the themes and questions posed to respondents (Table 5.16).

Table 5.16

Reasonable Accommodation of Employees with Disabilities in Nedbank

Interview questions	Dimensions tapped into regarding the Reasonable Accommodation of employees with disabilities in Nedbank
	Fairness & Awareness of Disability Policies
1. Do you think the bank has a good policy designed for people (employees) with disabilities?	<ul style="list-style-type: none"> • There is a policy that OD & HR still need to do a lot of work on and ensuring all employees understand the policy. • Employees are not aware of the existing disability policy, but they aware of the declaration process.
2. Do employees within your span of control have access to company disability Policy?	<ul style="list-style-type: none"> • There is a disability policy but few staff aware of it. • Not enough emphasis and awareness created around disability at work. <ul style="list-style-type: none"> • Employees do have access to the SAP system where they can read policies and declare the disabilities. • No training on how and where to access policies after the system was upgraded. • Introduce policy that is transparent and a user friendly system and create awareness to all staff.
1. What can employers do to reasonably accommodate employees with disabilities?	<p>Reasonable accommodation of employees with disabilities & equal opportunities for all</p> <ul style="list-style-type: none"> • Employees with disabilities need to declare and ask the company to accommodate their needs. • The bank has to listen to accommodation needs of the employees. • Equal access to benefits and fair treatment for all. • Cut the process to be short and friendly. • Educate all employees on disability and reasonable accommodation. • Do not apply blanket accommodation as every need is different. • Manage expectations. • Few employees declaring their disabilities.

Table 5.16 (Continued)

Reasonable Accommodation of Employees with Disabilities in Nedbank

Interview questions	Dimensions tapped into regarding the Reasonable Accommodation of employees with disabilities in Nedbank Reasonable accommodation of employees with disabilities & equal opportunities for all (continued)
2. What are challenges faced by both employers and employees with regards to reasonable accommodation?	<ul style="list-style-type: none"> • Cost involved in reasonable accommodation. • Less education, training and awareness created to staff to create great place to work for all. • Truss issues between line and staff leading to staff members not advising if they need accommodation. • Unclearly defined responsibilities create confusion. • The link between reasonable accommodation and inherent job requirements.

Table 5.16 indicates that with regards to fairness and awareness of disability policies there is a significant work that Human Resources still needs to do in ensuring all employees understands clearly the policy, furthermore ensuring that all employees are aware where to access the disability policy and where to declare their disabilities. Table 5.16 indicates that with regards to reasonable accommodation of employees with disabilities and equal opportunities for all that the onus rest on the employee to disclose their disabilities if they require accommodation; furthermore, the bank also have to listen to the employee needs and accommodate where possible. In addition, it is also noted that the cost to reasonable accommodation is the biggest barrier.

5.6 CONCLUSION

In this chapter results were presented using tabular and graphical representations. However, results are meaningless unless they are compared and contrasted with the findings of other researchers in the field. This will be accomplished in Chapter 6.

CHAPTER SIX

DISCUSSION OF RESULTS

6.1 INTRODUCTION

A literature review was conducted on the key dimensions relating to the reasonable accommodation of employees with disabilities and equal opportunities for all such employees. The methodology was planned and implemented and the data was obtained. In this chapter, the results will be discussed making comparisons to other researcher's findings.

6.2 REASONABLE ACCOMODATION AND EQUAL OPPORTUNITIES FOR ALL

Reasonable accommodation refers to modifications or alterations to the way a job is normally performed to make it possible for a suitably qualified person with a disability to perform as everyone else (Rycroft & Jordaan, 1999). Crowley (2005) also concurs with the previous definition and states that reasonable accommodation is about making adjustments to enable people with disabilities to access a service or to perform to full capacity in their job. This therefore means reasonable accommodations are the means by employers to enable people with disabilities to perform the essential functions of the job.

In this study it was found that employees are more aware and satisfied with the disability policies in the organisation than with the reasonable accommodation of people with disabilities and equal opportunities for all employees. Similar findings were obtained by Govender, (2007) who found that employees with disabilities in the banking sector generally do not feel that their needs are reasonably accommodated.

The banking sector is a diverse, dynamic, challenging and highly pressurised environment. It is therefore evident that the more employees are educated and aware of disability and reasonable accommodation policies the more they able to tell if their needs are accommodated or not. However Hills, (2002) believes that the reason for employee's disability needs not being accommodated by the employers is due to lack of disclosure from the employees.

Evidently, there is room for improvement in each of the aspects of reasonable accommodation as reflected above. In order to assess satisfaction and areas for improvement, frequency analyses were undertaken. The research done also found that in terms of reasonable accommodation of people with disabilities and equal opportunities for all employees, employees agreed that the bank is applying affirmative action as a means to promote equality in the workplace. Furthermore, other respondents agreed and strongly agreed that employment opportunities are equal within the bank. In contrary, the World Bank Report (2011) states that disabled employees in the banking environment are often dismissed for poor work performance, incapacity or they resign unnecessarily. They are often encouraged, forced to apply for disability benefits and they tend to retire earlier than able-bodied employees do, although if their needs can be reasonably accommodated, they can continue as productive employees (World Bank Report, 2011).

In addition, Govender (2007) states that there no equal opportunities for all in the banking sector. Crowley (2005) further concurs that there is a lot to be done for employees with disabilities to feel reasonably accommodated and their needs have to be taken care of starting from recruitment, promotions and performance appraisals; he believes employers must work on accommodative recruitment/promotion strategies which will limit discrimination based on disability. Reasonable accommodation is expected to be applied to all workplace environments to systematically remove barriers to employment experienced by people with disabilities (Leicester, 2011).

Furthermore, reasonable accommodation should be considered if a job task or the workplace environment changes in a way that creates barriers for an employee, including if a person acquires an impairment while being employed with the business. Furthermore, reasonable accommodation may be temporary or permanent and will vary depending on a number of factors involving the workplace and the individual with a disability (Bae & Clark, 2005). However, Thomas & Imrie (2008) agrees with the findings that a banking sector is the most welcoming as safe place for employees with disabilities and further mentions how ABSA bank goes out of its way to assist those with disabilities working together with the Employees with Disabilities forum that was formed in year 2003 (Disability Education Workshop, 2016).

The research conducted also found that there is no designated person/committee that has the authority to head hunt candidates with disabilities who possess appropriate skills, knowledge and the necessary experience. Similar findings were obtained by Govender (2007) who noted that the bank does not have any agency or committee that looks after recruiting people with disabilities. However, Rillotta and Nettlebeck (2007) found that Standard Bank has the designated recruitment agency that helps them to head hunt candidates with disabilities that possess the necessary skills for different roles. In addition, the research further established that employees feel that the bank does not make reasonable accommodation for people with disabilities, while the majority of the respondents felt that employees with disabilities are not given a chance and resources to perform adequately on their job. Hills (2002) also concurs on his findings that, people with disabilities have been among the most economically impoverished, politically marginalised and least visible members of their societies globally, yet this group represents approximately 15% percent of the world's population or more than 650 million people of whom 470 million is working age which includes people with physical, auditory, mental and psycho-social disabilities. Furthermore, respondents were not convinced that the disability policy is transparent and displayed to all employees as the majority of the respondents further indicated they are not aware of the company disability policy.

Broderick and Lalvani (2013) concurs with the above as they further mention that the biggest challenge faced by employees with disabilities and reasonably accommodating their needs is employees not being familiar with the policy and, the inadequate awareness created around disability issues. It is evident from the current research conducted that it is an employee's duty to disclose his or her disability and that employees need to whistle blow should they feel discriminated on their roles because of the disability. The current research further states that employees with disabilities are not given a chance and resources to perform their jobs adequately. In addition, the current research reflects that respondents were convinced that the Human Resources department is fair in dealing with issues of disabilities. This is imperative as the most recent Commission on Employment Equity Annual Report indicated that people with disabilities comprised 0.8% of the workforce. This continued exclusion of people with disabilities in the labour market has been a significant detriment to the South African economy, costing over one hundred million rands per annum, according to an ILO study.

A tripartite workshop hosted by the International Labour Organisation in Pretoria identified barriers to employment for people with disabilities as:

- Employers' attitudes about disability;
- Inaccessible working environments;
- Lack of knowledge about reasonable accommodation; and
- Discriminatory selection and recruitment practices.

6.3 RELATIONSHIP AMONGST THE 2 KEY ASPECTS OF REASONABLE ACCOMMODATION

Inferential statistics were computed on the two key dimensions of reasonable accommodation, namely, reasonable accommodation of people with disabilities and equal opportunities for all employees and, fairness and awareness of disability policies. Respondents' perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees significantly relates to their perceptions of fairness and awareness of disability policies. The research conducted indicates that perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees significantly relate to their perceptions of fairness and awareness of disability policies.

According to a report by the department of work and pensions in 2003, every 3 months 2.6% workers (over 600,000 people) become sick or disabled using the definition of disability under the equality act; this compares with only 0.3% (73,000) who would qualify for statutory sick pay or incapacity benefit (Collins & Mathews, 2012). In 2010/11, 7200 disability discrimination cases under the equality act were started in the employment tribunals. The most important part of the law against disability discrimination is the duty on employers to make reasonable adjustments. Basically this means that, where workers are disadvantaged by workplace practices because of their disability, employers must take reasonable steps, for example, by adjusting hours or duties, buying or modifying equipment or allowing time off, so that they can carry out their job (Collins & Mathews, 2012).

The significant relationship between reasonable accommodation of people with disabilities and equal opportunities for all employees and, fairness and awareness of disability policies therefore, indicates that if more strategies are designed to modify workplace practices as suggested by Collins and Mathew (2012), people with disabilities will be better accommodated and be able to work more productively.

6.3.1 Impact of biographical variables

The influence of the biographical variables of gender, age, marital status, education and disability on the two key dimensions of the study (reasonable accommodation of people with disabilities and equal opportunities for all employees and, fairness and awareness of disability policies) respectively were evaluated using tests of differences (Kruskal-Wallis ANOVA and Mann-Whitney test).

The results of the current study indicate that employees varying in biographical profiles (age, marital status, education, disability) differ significantly in their perceptions of the key dimensions of the study (reasonable accommodation of people with disabilities and equal opportunities for all employees and, fairness and awareness of disability policies) respectively. With regards to different categories of people with disabilities, it is important to recognise that even within the disabled community there are sectors that experience discrimination and exclusion more acutely than others (McGinnis, 2006).

The current research further revealed that employees with disabilities varying in age differ significantly in their views on fairness and are not equally aware of disability policies. The results reflect that older employees with disabilities are more aware of disability policies and believe more strongly that there is fairness in disability policies than younger employees with disabilities. Similar findings were obtained by Campbell (2006) who noted that people with disabilities are more aware of policies and their rights in later stages as they grow up. In addition, Ellman (2012) states that people with disabilities varying in biographical profiles (gender, age, education, disability) differ significantly in their perceptions regarding fairness and transparency of the disability policies as he mentions that the younger the employees in the work environment the less aware they are of reasonable accommodation.

In South Africa during census 2011, a total of 2 255 982 persons reported that they had some kind of disability that prevented them from full participation in life activities (Statistics SA, 2011). This number constituted 5% of the total population (44 819 778) enumerated in the census (Statistics SA, 2011). With young people with disabilities being among this group, it becomes imperative to ensure that they are upon appointment informed about the company's disability policies and with millennials being aware and sensitive to fairness, it is crucial to consistency implement such policies objectively and fairly.

The research further reflects that employees with disabilities varying in marital status differ significantly in their perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees as well as fairness and awareness of disability policies respectively. In this study it was found that married employees with disabilities are more convinced that there is reasonable accommodation of people with disabilities and equal opportunities for all employees than single employees. Furthermore, married employees with disabilities are more aware of disability policies and believe more strongly that there is fairness in disability policies than younger employees with disabilities. The 'other' categories, who were most convinced comprised of those who are divorced and those who did not want to disclose. Likewise, Ellman (2012) found that people with disabilities varying in marital status differ significantly in their perceptions regarding fairness and transparency of the disability policies.

According to the current study it was found that employees with disabilities varying in education differ significantly in their perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees. Furthermore, employees with disabilities varying in education differ significantly in their perceptions of fairness and awareness of disability policies. It is evident from the results of the current study that as employees with disabilities become more educated they hold a more positive view of the extent to which there is reasonable accommodation of people with disabilities and equal opportunities for all employees in the organisation. Furthermore, people with a degree are most convinced that there is reasonable accommodation of people with disabilities and equal opportunities for all employees in the organisation.

In similar vein, researchers have found awareness programs to be essential because they lead to positive attitudes towards employees with disabilities (Morin, Rivard, Crocker, Bousier & Caron, 2013).

Campbell (2006) further mentions that the more educated they are, the more they interested in knowing more and understanding better of their disabilities. Furthermore, when employees are educated on the topic of diversity or specifically disability, they are likely to develop a more positive attitude towards differences. Negative attitudes towards employees with disabilities develop out of ignorance (Ison, McIntyre, Rothery, Smithers-Sheedy & Goldsmith, 2010). The ADA prohibits discrimination against a qualified individual with a disability, defined as an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such a candidate holds. This act also prohibits discrimination based on perceived disability, that is, when the employer wrongly assumes an employee cannot do a job because of a disability, such as assuming a diabetic cannot be a police officer.

With regards to education it is important to note that historically, the majority of people with disabilities in South Africa have been excluded from education, housing, transport, employment, information and community life. They have been prevented from exercising fundamental political, economic, social, cultural and development rights. These injustices were reinforced by the inequalities of the apartheid system; laws have supported the cumulative disadvantages and social isolation of people with disabilities. The injustices have been and continue to be perpetuated by attitudes, prejudices and stereotypes that see people with disabilities as dependent and in need of care (Krahe & Altwasser, 2006).

Employees with different disabilities differ significantly in their perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees and that employees with different disabilities differ significantly in their perceptions of fairness and awareness of disability policies. It is evident that employees with progressive diseases followed by those with physical disabilities and then those with visual disabilities are most convinced that

there is reasonable accommodation of people with disabilities and equal opportunities for all employees in the organisation.

Also, employees with mental disabilities, followed closely by those with auditory disabilities and then non-verbal/speech impaired disabilities were least convinced that there is reasonable accommodation of people with disabilities and equal opportunities for all employees in the organisation.

In terms of fairness and awareness of disability policies, employees with physical disabilities, followed by those with visual disabilities and then progressive diseases were most aware of disability policies and most convinced that the disability policies are fair. The Republic of South Africa Constitutional Act 108 of 1996 (the Constitution) reflects the struggles of the majority of our citizens and is founded on the values of human dignity, equality and freedom. The Bill of Rights (chapter 2) specifically mentions equality and non-discrimination for persons with disabilities, and this is largely due to the organised efforts of people with disabilities in their continuing struggle to end the oppression of people with disabilities. The disability rights movement in South Africa emerged during the 1980s as part of the broader liberation struggle against apartheid. It is therefore, no surprise that people with different disabilities will view issues of disability relating to policies, reasonable accommodation and fairness differently because the advances in terms of accommodating the varying disabilities have taken place in different degrees which some being more easily accommodated than others, perhaps due to differing degrees of accommodation of needs and budgetary demands.

The results of the current study also indicate that male and female employees with disabilities do not differ significantly in their perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees. Furthermore, male and female employees with disabilities hold similar views on fairness and are equally aware of disability policies. However, women with disabilities bear the burden of discrimination and exclusion more highly than men and tend to have a higher rate of disability than men, due primarily to women's higher average longevity. The latter is particularly relevant as the information collected in the 2011 census followed this trend, with 1 173 939 females affected compared to 1 082 043 males

(Statistics SA, 2011). The percentage of females affected was slightly higher than for males in the African and White population groups and, slightly lower in the Coloured and Indian/Asian population groups.

The prevalence of disability by province shows the highest in KwaZulu-Natal (26.8%) followed by Northern Cape (11.3%). The provinces with the lowest prevalence of disability were Western Cape at 4.1% and Gauteng at 3.8% (Statistic SA, 2011).

Although race was not a biographical variable studied in the current study it is perhaps a contributing factor. The African population reported the highest number of disabled people (1 854 376 or 5.2% out of a total of 35 416 166), followed by White (191 693 or 4.5%), Coloured (168 678 or 4.2%) and Indian (41 235 or 3.7%) people. These percentage differences are probably due to a variety of socio-economic and demographic factors, as well as unique social cultural perceptions and inhibitions with regard to reporting on disability (Statistics SA, 2011).

The key findings of the quantitative part of the study are graphically represented in Figure 6.1.

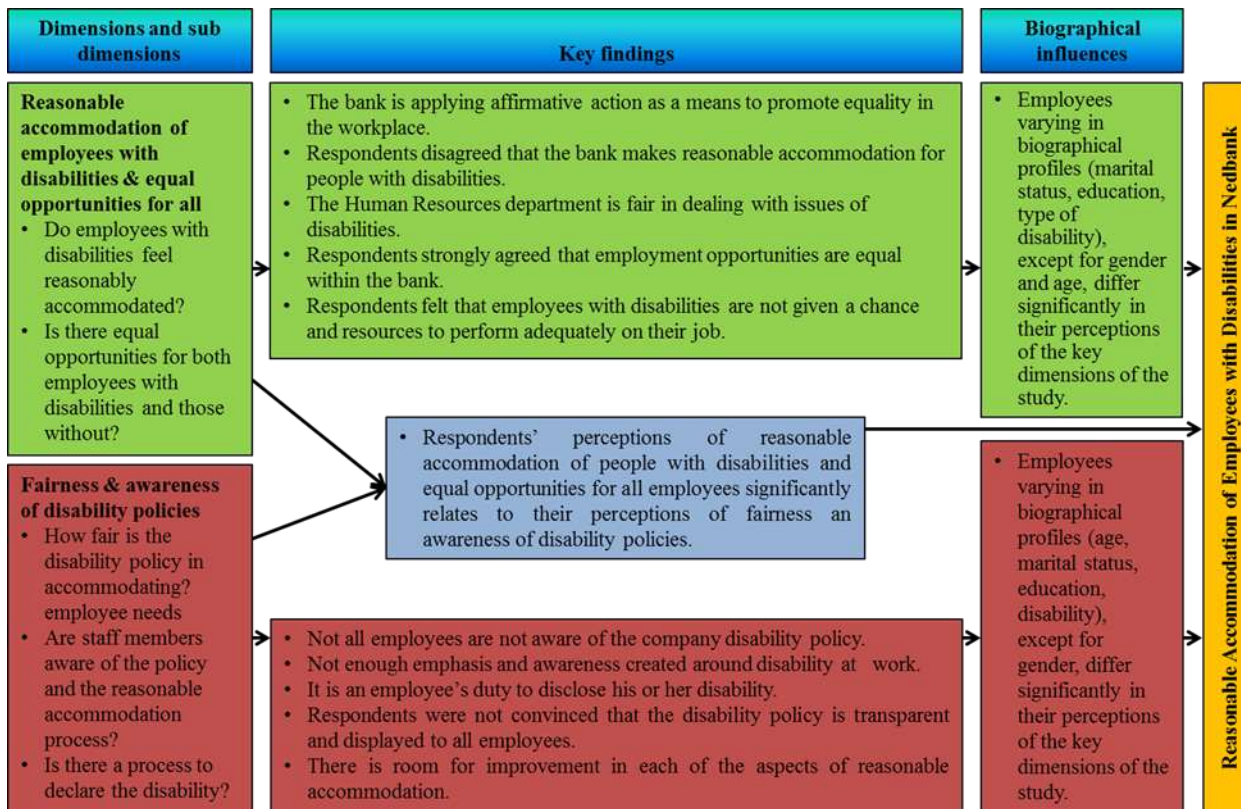


Figure 6.1
Key findings of the study

Figure 6.1 displays the relationship between the two key dimensions of the study, namely, the reasonable accommodation of people with disabilities and equal opportunities for all as well as fairness and awareness of the disability policies. It also vividly depicts biographical influences, where applicable, and people with disabilities' perceptions of the two key dimensions.

6.4 QUALITATIVE ANALYSIS

Research found that with regards to fairness and awareness of disability policies there is a significant work that Human Resources still need to do in ensuring that all employees are aware of where to access the disability policy, that all employees understand the policy clearly and where to declare their disabilities. Human Resource (HR) professionals are key players in the business organisations' implementation of the employment provisions of the Americans with Disabilities Act of 1990 (ADA), which prohibits, among other things, discrimination based on disability in the workplace. HR professionals are involved with recruitment, pre-employment screening and testing, and the reasonable accommodation process, as well as benefits, performance management, disability leave, and other parts of the employment process (Morin et al., 2013).

Because of this broad involvement, they are in a key position to help their organisations realise the intent of the ADA and minimise disability employment discrimination. The same can be applied uniformly across all industries in South Africa. HR professionals are the role-players who can help business organisations to create a culture and process that will facilitate the accommodation requirements and minimise the likelihood of discrimination against applicants and employees with disabilities (Campbell, 2006).

With regards to reasonable accommodation of employees with disabilities and equal opportunities for all it is evident from the research conducted that the onus rests on the employee to disclose their disabilities if they require accommodation. Furthermore, the banks also have to listen to the employee needs and accommodate where possible. In addition, it is also noted that the cost to reasonable accommodation is the biggest barrier. Hills (2002) further concurs that if employees need to be accommodated they must disclose this to the employer and the disclosure must be a voluntary and non-discriminatory process.

In addition, Ellman, (2012) also state that it is important that employees with disabilities disclose their disabilities for the employer to accommodate their needs so that they can perform at their best level and eliminate discrimination based on disability.

It is important to recognise that throughout history disability has encountered intense stigma and people with disabilities have often been subjected to isolation, segregation and sometimes abuse (Belcher & Maich, 2011). The increasing advancement of medical science and technology throughout the twentieth century legitimised a medicalised description of what was ‘normal’ versus ‘abnormal’, placing disability within the context of a medical problem. People with disabilities were then considered objects of pity and charity (Belcher & Maich, 2011).

Disability is now understood as the result of an un-accommodating environment rather than the result of an individual’s limitations or diagnosis. Disability is therefore framed within the context of an environment designed to exclude those with variations of mobility, cognition, and/or sensory use. The focus then changes to the social processes, institutions and behavioural expectations that limit the participation of people (Ellman, 2012). However, taking cognisance of the ills and inadequate accommodation of people with disabilities, places the challenge in the hands of future organisations to reasonably accommodate people with disabilities increasingly as we process into the future.

6.5 CONCLUSION

In this chapter results were compared and contrasted with the findings of other researchers in the field and meaningful discussions were attained. The key findings of the study are graphically depicted in Figure 6.1. Based on the results of the study, recommendations will be presented in Chapter 7 to ensure the reasonable accommodation of people with disabilities.

CHAPTER SEVEN

RECOMMENDATIONS AND CONCLUSIONS

7.1 INTRODUCTION

In this chapter, the main findings with regard to the research questions are summarised and general conclusions based on the findings of the studies presented in this research are described. This chapter concludes with recommendations for employers with people with disabilities in the organisations.

7.2 RECOMMENDATIONS BASED ON THE RESULTS OF THE STUDY

Reasonable accommodation is an innovative and exciting exercise and should not create undue stress or hardship for any of the parties concerned. The objective of reasonable accommodation must be at the forefront of any intervention. Hence, the overall objective of enabling and empowering a person with a disability to be able to execute his/her day to day work must be borne in mind at all times. Recommendations vary between each disability group and there are generalisations made in this regard. It is imperative that decisions around employment are not made based on the nature, perceived expense or hardship of the recommended accommodations.

Below are some of the practical implementations of reasonable accommodation that the Bank might have to provide to an employee with disabilities but all accommodations differ per individual disability.

1) Technical solutions

Structural modifications of the organisation's premises need to be made. This means that the organisation need to provide wheelchair access such as ramps, make adjustments to office equipment and the workplace of the concerned employee or ensure the provision of assistive technology (special computer soft and hardware). Solutions should be linked to a specific type of the disability and according to the employee's needs.

2) **Organisational arrangements**

In this regard, the organisation needs to provide flexible work arrangements which can range from adjusting working hours, work from home arrangements and redistribution of work to further improve the performance for all staff members whilst still accommodating their disability needs.

3) **Provision of assistance**

Provision of assistance to employees with disabilities need to be made. This means that the organisation needs to provide an on-premise job coach who prepares the employee for daily duties, trains him/her on work procedures (as this would be too time consuming for the other staff in the organisation) and familiarises the employee with the work environment. It will be beneficial for the organisation to have the job coaches during the induction. Furthermore, especially at the beginning of an employment the services of a job coaches are required intensively.

4) **Qualification measures**

With regards to qualification measures, the organisation should assist when an incumbent employee cannot fulfill his/her tasks after a disability emerged and the person should be enabled to change jobs within the organisation. Therefore, there should be specifically designed training to assist the employees to improve their skills when changing to a different role which requires a different skills set.

5) **Awareness raising measures**

Whilst the previously mentioned types of accommodation focus on the persons with disabilities and their impairments which should be balanced out or at least reduced by providing the PWD with technical equipment, qualification measures, assistance or by adjusting the work organisation, awareness raising measures target the social environment. It is therefore, imperative for management, colleagues, and customers to be alerted to how they can contribute to the integration of the person with disabilities (for example, attitude change, and modification of communication channels). Having disability awareness sessions will be beneficial to the organisation but over and above the bank may utilise the internal communication methods (Lync communication, emails and internal billboards in the pause areas, job shadowing/buddying and inside the lifts posters) to create awareness to the grater bank community.

A successful awareness program is about content and also exposure. Employees need to be exposed to the idea of disabilities and if possible individuals with disabilities so it is not a foreign or 'shy away' from concept. A culture of awareness, acceptance and accommodation should be inculcated.

From the research conducted it is evident that an employer is obligated to provide reasonable accommodation when an applicant or employee voluntarily discloses a disability related accommodation need or when such need is reasonably self-evident to the employer. Disclosure of disability should be managed sensitively and in line with best practice. The disclosure process should be voluntary and free of persuasion or incentives. The bank must have a policy that protects confidentiality thereby creating and facilitating a disclosure friendly environment. Therefore, the researcher recommends that as the bank (Nedbank) is currently embarking on a journey of winning through their people in 2020, this will be a great strategy to promote the inclusive culture that cares about the people with disabilities.

For the bank to be the most admired bank by 2020 they can start with promoting the disability awareness session, have open Human Resources days where employees can ask on where do disclose on the system and generally understand disability and the support the bank provides to employees. It will be advantageous for the bank to have competitions on disability awareness, have disability awareness programmes, open days, most caring and sensitive employee of the month, having a website where information regarding reasonable accommodation will be displayed and made available and accessible to all staff. Furthermore, having a disability forum per cluster would be useful where other employees with disabilities can share the knowledge, experiences and the concerns they have and also contribute to improving the disability and reasonable accommodation policies and processes. It is important to note that reasonable accommodation must be reasonable to both the employee and the employer.

The current research revealed that employees with disabilities varying in age differ significantly in their views on fairness and are not equally aware of disability policies. The bank will need to create a robust disability and reasonable accommodation policy that will be transparent to all the employees in the bank.

As mentioned previously, disability awareness sessions should take place and competitions should be planned to enable the bank to measure if the employees are all aware of the policies thereby making sure that they are promoting a diversified, inclusive culture. According to the current study it was found that employees with disabilities varying in education differ significantly in their perceptions of reasonable accommodation of people with disabilities and equal opportunities for all employees. Therefore, staff who are funded to engage in post-graduate studies should be encouraged to undertake research in areas of disability accommodation so that they can contribute to generating ideas for more effective inclusion of PWDs.

Research found that with regards to fairness and awareness of disability policies there is a significant amount of work that Human Resources still needs to do in ensuring that all employees are aware of where to access the disability policy, that all employees understand the policy clearly and where to declare their disabilities. HR open days will be highly suggested in terms of letting all employees know where to disclose, where to find policies and any other queries relating to reasonable accommodation. Furthermore HR may have to develop either manuals or a website where employees can educate themselves further. The HR online site may include details such as leave policy, incapacity, discrimination, when to medically onboard, what is temporal disability, who to speak to and also have disability awareness champions (those who will ensure people with disability are happy and feel accommodated in the workplace).

Human Resource (HR) professionals are key players in the business organisations' implementation of the employment provisions of the Americans with Disabilities Act of 1990 (ADA), which prohibits, among other things, discrimination based on disability in the workplace. HR plays a huge role in supporting the business and, therefore, should be the ones who make sure everyone is comfortable with diversity in workplace.

HR practices in terms of performance reviews and performance criteria may need to be adjusted for people with certain disabilities, for example, mental disabilities. It is highly suggested that HR look at performance scorecards and target areas for all employees and specifically for those who might need accommodation or those who were moved to new role as means of accommodation whereby the score cards may be adjusted accordingly for certain period until the employee is comfortable on the new role.

This will eliminate a lot of discriminatory issues that arises during the performance reviews period. The bank will therefore save time and money spent on CCMA cases. It is therefore imperative to include the unions when changing any employments agreements or performance agreements with employees with disabilities.

The recommendations from the key findings of the study are graphically represented in Figure 7.1.

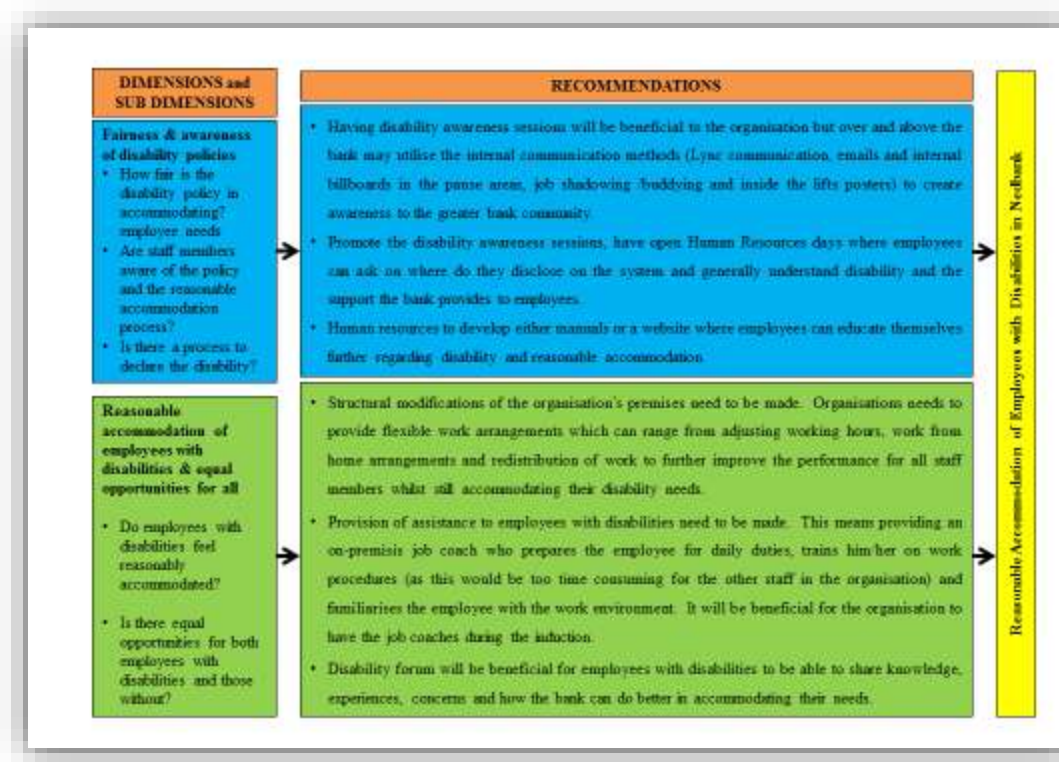


Figure 7.1
Recommendations based on the results of the study

Figure 7.1 displays the relationship between the two key dimensions of the study, namely, the reasonable accommodation of people with disabilities and equal opportunities for all as well as fairness and awareness of the disability policies. It also vibrantly depicts recommendations, where applicable to effectively manage reasonable accommodation of people with disabilities.

7.3 RECOMMENDATIONS FOR FUTURE RESEARCH

Reasonable accommodation is an affirmative action measure that has the purpose of reducing the limiting effect of a person's impairment. Without understanding the definition of disability it is impossible to implement reasonable accommodation. The research that has been undertaken for this study has highlighted a number of topics on which further research would be beneficial. Several areas where information is lacking were highlighted in the literature review. Whilst some of these were addressed by this research, others remain. In particular, there is a lack of observational studies of the changes after the reasonable accommodation has been provided to assess whether the employee's performance improved.

Furthermore, future studies may look at the different job profiles within the bank to further investigate if there are roles within the bank that will not suit employees with certain type of disabilities. Additionally, the upcoming research may further look into the performance of people with disability and compare the pay packages to explore if the companies do enforce the equal pay for equal job and if they are fairly paid like other employees in the company with no disabilities. In other industries apart from the banking sector, future research may look into doing the comparison between different regions and also different jobs, for example, an employee in a client facing role as compared to those in support roles (non-client facing) to understand if employees differ in their views concerning reasonable accommodation.

It is still a concerning factor that there are only a few employees with disabilities in the bank who possess post matric qualifications or higher degrees. Therefore, it would be recommended that the imminent research assesses possible obstacles or stumbling blocks for people with disabilities to have less access to higher education facilities. Moreover research may also be done to get the views of employees with disabilities from different sectors (both public and private) to understand if their accommodation differs significantly.

Future research can also tap into legislation and best practice regarding reasonable accommodation to assess adherence to legislative requirements. Lastly, future studies may study how organisations accommodate the traumatic experiences that some of the employees with disabilities have encountered.

This will include the onsite psychologist as it is highly recommended to have them considering the HR department may at times not be the best people to speak to due to the fact that they support both employees and the business. Disability and reasonable accommodation of people with disabilities is a very broad topic. There is still lot of work to be done by other researchers in the field in order to ensure that it is narrowed down to be best understood by everyone and to ensure the stigma that PWDs cannot perform and require more attention, is removed.

7.4 CONCLUSION

Managing disability in the workplace, like any other business functions requires a clearly defined strategy that is guided by best practice and upholds principles of non-discrimination. For many reasons corporate South Africa has found the sustainable inclusion of the people with disabilities in the workplace difficult. It has been established however, that with an integrated approach to managing disability strategies, it is very possible to include people with disabilities in the workplace in a way that maximises skills and profitability.

Best practice with regards to individuals with disabilities is a new and challenging field but with correct partners and policies in place one can comfortably achieve this for their employees. Our personal beliefs about disabilities will determine the way we approach and manage disability in the workplace. It is imperative that we are aware of the guiding principles that are provided in the legislation and more specifically your company disability policy. There is no blanket approach when it comes to disability because every disability is different. Furthermore, the traumatic experiences differ from each and every individual; therefore, their accommodation needs are also different. Understanding the definition of disability is imperative if we are trying to manage all elements of transformation in the workplace. Talking about disability should be as comfortable as talking about gender or race – it is just another difference.

It is not an easy topic to tackle as a lot of employees are still uncomfortable in talking about their disabilities especially the ones that are not visible.

To conclude, this chapter looked into providing the recommendations based on the results of the study and also provided recommendations for future research. The recommendations are graphically depicted in Figure 7.1 and when effectively implemented has the potential to enhance the accommodation of PWDs in the workplace thereby bringing about greater satisfaction and productivity in the workplace. Based on the research conducted it is evident that the reasonable accommodation of people with disabilities can be achieved if the employer can listen to the needs of the employees and employees are aware of the policies and understand that reasonable accommodation should not create any unjustified hardships between both parties.

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SCHOOL OF MANAGEMENT, INFORMATION TECHNOLOGY AND
GOVERNANCE**

CONSENT

Ihereby confirm that I understand the contents of this document and the nature of the research project, and I consent to participating in the research project.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

SIGNATURE OF PARTICIPANT: _____

DATE: _____

.....

Appendix A

QUESTIONNAIRE

SECTION A: BIOGRAPHICAL DATA

For each of the following, mark a cross (X) in the box that best describes you.

1. Gender

Male		1
Female		2

2. Age

20 - 29 years		1
30 - 39 years		2
40 - 49 years		3
50 - 59 years		4
60 years and over		5

3. Marital Status

Single		1
Married		2
Other		3

4. Education

Matric		1
Diploma		2
Degree		3
Honours		4
Masters & PHD		5

5. Disability

Specify	
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SECTION B

For each of the following, indicate the extent to which you agree or disagree with the statement using the following scale:

- 1 - Strongly Disagree (SD)
- 2 - Disagree (D)
- 3 - Neither agree nor disagree (NA/ND)
- 4 - Agree (A)
- 5 - Strongly Agree (SA)

NO.	STATEMENT	SD 1	D 2	NA/ND 3	A 4	SA 5
Reasonable accommodation of people with disabilities and equal opportunities for all employee						
1.	The banking sector is the best place to work in.					
2.	The bank adheres to its employment equity plan.					
3.	The bank has a policy designed for people with disabilities in the workplace.					
4.	There is fair treatment for all employees in the bank.					
5.	The Disability policy is transparent and displayed to all to employees.					
6.	The employment opportunities are equal within the bank.					
7.	The bank is applying affirmative action as a means to promote equality in the workplace.					
8.	The bank is a great place to work in.					
9.	There is a designated person/committee that has the authority to head hunt candidates with disabilities who possess appropriate skills, knowledge and experience necessary.					
10.	The Bank makes reasonable accommodation for people with disabilities.					

- 1 - Strongly Disagree (SD)
 2 - Disagree (D)
 3 - Neither agree nor disagree (NA/ND)
 4 - Agree (A)
 5 - Strongly Agree (SA)

NO.	STATEMENT	SD 1	D 2	NA/ND 3	A 4	SA 5
Fairness and Awareness of Disability Policies						
11.	Employees with disabilities are not given a chance and resources to perform their jobs adequately.					
12.	The morale of the employees is affected negatively by discrimination based on disability.					
13.	Unfair dismissal exists on employees with disabilities in the bank.					
14.	A colleague needs to whistle blow if he/she feels discriminated on his/her role.					
15.	I understand the employers duty to reasonable accommodate people with disabilities.					
16.	I consider the Human Resources fair in issues of disabilities.					
17.	I do support a disability policy that will limit discrimination and emphasise the reasonable accommodation of people with disabilities.					
18.	There is reasonable accommodation of employees with disabilities in the banking sector in general.					
19.	It is an employee's duty to disclose his or her disability.					
20.	It is an employer's duty to retain and accommodate employee with disabilities.					
21.	I am aware of the company disability policy.					

Thank you for your time and co-operation!

Appendix B

INTERVIEW SCHEDULE

Declaration: This interview is conducted for research purposes only and it is not going to be submitted for feedback to your employer (confidentiality in all discussed here will be maintained). This research is about reasonable accommodation of people with disabilities in the Bank. This is ONLY for research study purposes.

SECTION A: BIOGRAPHICAL DATA

For each of the following, mark a cross (X) in the box that best describes you.

1. Gender

Male		1
Female		2

2. Age

20 - 29 years		1
30 - 39 years		2
40 - 49 years		3
50 - 59 years		4
60 years and over		5

3. Marital Status

Single		1
Married		2
Other		3

4. Education

Matric		1
Diploma		2
Degree		3
Honours		4
Masters & PHD		5

5. Disability

Specify	
---------	--

SECTION B

1. How long have you been employed with the company?

2. Would you describe a banking sector as a great place to work? Yes/No Elaborate.

3. What is your understanding about reasonable accommodation of people with disabilities in the workplace?

4. Do you think the bank has a good policy designed for people with disabilities? Yes/ No Explain.

5. Do employees within your span of control have access to the company disability policy?

6. In your personal view, to what extent do you believe people with disabilities are reasonably accommodated by the bank?

7. What are the challenges faced by both employers and employees with regards to reasonable accommodation?

8. In your view, do employees with disabilities feel reasonably accommodated by the bank?

9. What can employers do to reasonably accommodate employees with disabilities?

Thank you for your participation!

Appendix C

GATEKEEPER'S LETTER

Appendix D
ETHICAL CLEARANCE

Appendix E

TURN-IT-IN SIMILARITY INDEX