
BY

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Contents

Declaration...........................................................................................................................................v
Acknowledgements ......................................................................................................................vi
Dedication........................................................................................................................................vii
Abstract..........................................................................................................................................viii

CHAPTER 1

Introduction..........................................................................................................................................1
The statement of the problem............................................................................................................2
Research objectives.........................................................................................................................2
The significance of the study...........................................................................................................3
Literature review............................................................................................................................3
Research methodology...................................................................................................................12
Ethical considerations...................................................................................................................14

CHAPTER 2

Literature Review............................................................................................................................15

Introduction..........................................................................................................................................15
Disability policy and legislation.......................................................................................................17
Segregation and exploitation.........................................................................................................18
The disability social movement.....................................................................................................19
The liberation of people with disability......................................................................................21
Disability and HIV & AIDS..........................................................................................................22
Gender and disabilities..................................................................................................................23
The National Accessibility Portal (NAP).....................................................................................25
Accessible environment...............................................................................................................26
Theories of disabilities..................................................................................................................27
Discrimination of people with disabilities..................................................................................28
Discrimination in communities.....................................................................................................28
Discrimination in the work environment....................................................................................30
The elimination of discrimination...............................................................................................31
Elimination of disabilities............................................................................................................33
Elimination of disabilities through eugenics..............................................................................33
Elimination of disabilities through abortion..............................................................................34
Elimination of disabilities through sterilization.........................................................................34
The statistics of people with disabilities....................................................................................35
Mainstreaming disabilities...........................................................................................................36
Conclusion......................................................................................................................................37

CHAPTER 3

Research Methodology....................................................................................................................38

Introduction..........................................................................................................................................38
Action research...............................................................................................................................39
Ethical practice................................................................................................................................40
Grounded theory............................................................................................................................40
Methods and methodologies..........................................................................................................41
Methodological pluralism..............................................................................................................41
Survey method...............................................................................................................................42
Qualitative methods......................................................................................................................42
REFERENCES..........................................................................................................................82

Books ..........................................................................................................................................82
Journals .......................................................................................................................................84
Legislations and regulations .......................................................................................................85
Internet resources ........................................................................................................................86
Conferences and seminars...........................................................................................................88
Declaration

I the undersigned, Pumza Mbutuma hereby declare that this dissertation is my original work and that it has not been submitted and will not be presented to any other university for a similar or any other degree award.

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I wish to express my sincere gratitude to the people who have contributed towards the completion of this project

To my supervisor, Dr Mle, thank you very much for the support and patience you showed during this period. You are not a teacher but a Sheppard as you were there all the time as I found my self lost time and again. kooNtswentswe, ooNojaholo, ooQhankqolo sitsho sithi Camagu, ukwanda kwaaliwa ngumthakathi.

To my family, I want to say that I did this for you. I realise that I could not be there for you when you needed me, but I had to make time for this challenging project. I will shine for you and continue to make you proud of me. To Litha and Imkitha, nothing is better than home brewed role models. You have seen me sacrifice and strive to balance between the work, family, social and academic life. It was not easy but it was worth it.

To all the respondents, thank you very much for the support and willingness to participate. To the MPLs and staff in the Eastern Cape provincial Legislature, I want to say that we have different reasons for academic development. My motivation was sad and shaped by job insecurity as I found studies as another way of adding value to my persona. To Mr Mpahlwa, thanks for approving that I conduct the research, you have been a role model and a source of inspiration since you came as you pronounced your passion for skills development and advancement.
Dedication

I dedicate this project to my family as I am the first person our family to be able to study to this level. It has always been my wish to lift up the name of our family especially that we come from the most humble background.

Lastly I want to thank God almighty for protecting me and my family as I went through the hardship.
Abstract

The evaluation of the implementation of disability policies is a result of the low rate of public participations in the Eastern Cape Provincial Legislature’s programs as well as the low number of disabled persons who are employed. Institutions like Parliaments and Legislatures are law making institutions, some of their tasks in to attract comments, suggestions and ideas from all interested parties to participate in the law making process. They also have a responsibility to conduct vigorous oversight over the provincial government departments; this includes issues like compliance with the relevant policies and regulations.

The data was collect from three different groupings namely the staff of ECPL, the members of provincial legislature as well as the general public which includes disabled persons. It was clear from the findings that the management and the MPL, who are decision makers of the institution, have a very shallow knowledge of the disability policies and regulations. There is a disability strategy which was made for all the legislatures and National Parliament; however the strategy has not been implemented in ECPL. The institution has to create a special programs unit that will promote equality in line with the Bill of Rights which enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom.

The recommendations that were made included education and awareness programs and compliance with regulations like the Employment Equity Act that seeks to ensure that the employment equity targets are met.
CHAPTER 1

RESEARCH PROPOSAL

1. Introduction

The Integrated National Disability Strategy (INDS) was launched by the then Deputy President of South Africa, Thabo Mbeki in 1997; it represents governments thinking about what it contributes to the development of disabled people in the promotion of their rights. Further more, he introduced the Office of the Status of Disabled Persons in commitment to the upliftment and improvement of the conditions of those members of the society who are disabled.

The rights of persons and groups are derived from a feeling of injustices and are aimed at correcting it. People and groups have rights inclusive of just and equal treatment as enshrined in the Chapter 2 of the Constitution of the Republic of South Africa Act, 1996.

It is necessary to research a topic of this nature in order to evaluate the effect of the disability policy to the general community and the workers of the Eastern Cape Provincial Legislature (ECPL). The study seeks to ensure that the general public as well as the workers who have disabilities have access to the environment of ECPL which is labelled as the people’s assembly for good governance.

According to the White Paper on the Integrated National Disability Strategy (1997:1) 99% of disabled persons are excluded from employment on the open
labour market, approximately 5% of disabled people are moderately to severely disabled.

The study focuses on the Eastern Cape Provincial Legislature (ECPL), whose vision statement indicates that “ECPL is committed to good corporate governance, whilst serving the people of the province, as a dynamic People’s Assembly prescribed by the Constitution of South Africa by continually striving to improve the quality of life of the people of the province through qualitative service delivery”. The mission statement indicates that the Eastern Cape Provincial Legislature conducts vigorous oversight and facilitates public participation within the framework of cooperative governance for the people of the province. The study seeks to ensure that equal opportunity to participate in the law making and governance is given to the general public and the workers of the Eastern Cape Provincial Legislature, including people with disabilities.

2. The statement of the problem

   a. People with disabilities are not attracted to work for ECPL, and are not interested in the People’s Assembly because there is limited access to the facilities.

   b. People with disabilities that work for ECPL and the general public that visit the legislature experience a low quality of life.

3. Research objectives

   a. To ensure that people with disability are treated with respect and dignity, and to ensure that they have access to facilities and have a quality of life.
b. To ensure and encourage the participation of people with disabilities in attending portfolio meetings, making law for the province and public participation.

4. The significance of the study

a. To ensure that the ECPL as the people’s assembly implements the INDS to enhance the facilitation and the integration of the disability issues into government developmental strategies, planning and programmes.

b. To ensure that the needs of all citizens constitute the basis for planning and policy and that the general systems and institutions of society are accessible to all.

5. Literature review

There are numerous pieces of Legislation that seek to redress the needs of people with disabilities as they were marginalised and deprived of human dignity.

The Constitution of the Republic of South Africa (1996) and the Bill of Rights enshrine the rights of all the people of the country and affirm the democratic values of human dignity, equality and freedom. Section10 talks about Human dignity, it touches on the inherent dignity and the right to have the dignity respected. Section 24 alludes to the fact that everyone has the right to an environment that is not harmful to the health and the wellbeing of people. It further recognises and protects the needs and interests of women and children with disabilities.
The researcher applauds the Constitution of the Republic of South Africa (1996) which is the supreme law of the country as it is explicit in protecting human dignity of the vulnerable groups which includes people with disability. There are still challenges as the majority of people lack knowledge about their rights. This can be claimed to illiteracy as the majority of people in rural communities still struggle to read or write.

The Employment Equity Act (5 of 1998) is as a result of apartheid and other discriminatory laws and practices. There are disparities in employment, occupation and income within the labour market. The Act protects people with disabilities and others against unfair discrimination; it designates them as part of previously disadvantaged groups, meaning that they are eligible to benefit from affirmative action programs.

The study hypothesised that there is non compliance with some statutes and that there are challenges enforcing them. There are also serious concerns about the quality of life of people with disability when they are absorbed into the system of government. Kotze (2007:8) maintains that unemployment remains a fundamental problem affecting the majority of people with disabilities and their families. Some employers meet the equity targets through malicious compliance and window dressing. There has been lack of financial assistance or technical support from the state even on the mushrooming self help and business development projects (Integrated National Disability Strategy 1997: 44).

The Technical Assistance Guidelines (TAG) on the Employment of People with Disabilities (2002) provides guidelines to assist with the practical implementation of the Employment Equity Act (55 of 1998), relating it to the employment of people with disabilities in the workplace. It touches on areas
like the reasonable accommodation of people with disabilities, recruitment and selection, training and career development.

The good thing about the TAG is that it provides practical guidelines for the employers, employees and the trade unions on how to promote equality, diversity and fair treatment in employment through the elimination of unfair discrimination. However it is shocking to learn that people with disabilities are receiving unfair treatment in some workplaces including government. They fear reporting the cases of ill treatment as they may be victimised more especially at work.

The White Paper on the Integrated National Disability Strategy (1997) represents government’s thinking of what can contribute to the development of disabled people and to the promotion and protection of their rights. Disabled persons have organised themselves in order to have a louder voice to engage society on the question of fundamental rights. They have a slogan “nothing about us without us” which emphasises the need to unite and the involvement of disabled persons in any discussions that may affect them. This puts them in a better position to take decisions that will affect their lives as they have both pleasant and unpleasant practical experiences.

The study appreciates the establishment of the Office of the Status of Disabled Persons (OSDP) in government departments and the oversight role that is performed by Parliament and Legislatures to ensure implementation of the policies of government. It is appreciated that the government departments have structures that seek to support the marginalised groups. However, there are still low statistics of people that have disabilities in the employ of government. There is an observed pattern of appointing people with disabilities in positions like the call centre or telephonist and never in strategic positions that would
demand intellectual capacity and decision making. In some cases they get employed in order to meet the legal requirements for the sake of compliance with legislation. The observation is that the government departments as the employers tend to stick to the minimum of two percent which is a requirement by law.

Egalitarian theory of John Rawls can be regarded as the equal treatment of all the people in the allocation of goods and services, inclusive of equal liberties, freedoms and rights in all respects. Thornhill & Hanekom (1996:146) add that efficiency and economy were regarded as values or guidelines to which public administration should adhere. However, questions such as whether a well managed service was efficient and or economical, and for whom, prompted the introduction of an additional guideline. The guidelines of social equity run alongside those of efficiency and economy in public administration.

Ria (2002:2) who builds her understanding of gendered politics through reviewing and participating in debates, she sees the private and the public spheres of politics as mutually constitutive. Women were able to show that their exclusion from the public was necessary for the private and the public to be dominated by masculine interests and power. She supports the egalitarian theory and adds that women got further excluded based on their differences on the grounds of class, race, ethnicity, religion, sexuality, disability and politics.

Kotzes (2007:8) in his article on the quality of work life of people with physical disabilities in the Public Sector stipulates clearly that there is still under utilisation of people with disabilities. He states that there are both problems and pleasant experiences which make work worthwhile.
There is a Convention on the Rights of persons with disabilities, whose purpose is to promote, protect and ensure equal enjoyment of human rights and fundamental freedoms by all persons with disabilities. It seeks to promote and protect the human rights of people with disabilities in economic, political, social, legal and cultural life.

The Convention calls for non discrimination treatment and equality in terms of access to justice during institutionalization while living independently in the community in undertaking administrative tasks. It seeks to ensure that there is equal treatment in courts, education, health care, workplaces, family life, cultural and sporting activities, and when participating in political and in public life. It also prohibits torture, exploitation, violence and protects the life, liberty and security of persons with disabilities, their freedom of movement and expression, and respect for their privacy. (Achiron 2007:12)

The challenge that remains is that the Parliament and Legislatures do not have the office of the Status of People with Disabilities. In some Legislatures, the function is combined with the wellness functions or human resources. The disadvantage with this approach is that it makes the disability issues less important as there are always pressing issues that will be given priority over and above disability issues. There is a low rate of appointment of people with disabilities because it is not made a priority. In most cases the numbers are a coincidence of people that acquire disabilities in the course of the working life through accidents or through ill health.

As a result of globalisation processes such as affirmative action programmes and an increased awareness on issues resulting from diversity, the management of diversity has become an essential managerial approach in many countries and within many organisations world wide. It is explained as a way of thinking
towards the objective of creating an environment that will enable all employees to reach their full potential in pursuit of the organisations objectives. The extent of diversity also includes issues like the physical and mental disability (Robbins, et al 2004:11)

Disability is often more ignored as it is always viewed as a position of no intellectual capacity. Diversity is always viewed narrowly as are issues of race, culture and gender. There is a need to educate people especially those in leadership positions so that they develop a clear understanding of issues around disability and lead by example.

According to Maseko, L. (2006:199) Parliamentarians can play a major role in ensuring that gender budgeting becomes the standard manner by which government resource allocation is assessed so that decision making about public spending and development programs is conceptualised in terms of the impact on women and men, as well as people with disabilities. In the Parliamentarian (2006:198 - 201) it is indicated that the realisation of the United Nations Millenium Development Goals (MGD) and the implementation of the objectives of the Beijing Platform of action have implications for government spending. This means the members of parliament and the members of the provincial legislature are well placed to influence as oversight bodies.

There is a Disabilities Hand Book for Parliamentarians that aims to assist Parliaments and Parliamentarians and others in efforts to realise the Convention so that the Members of Parliament (MPs) and the Members of Provincial Legislatures (MPLs) can achieve the transition from exclusion to equality. It seeks to raise awareness on the Convention and its provisions, promote an appreciation of disability concerns and assist parliaments in understanding the mechanism and frameworks needed to translate the Convention into practise.
According to Rob and Julie Filmer, (2008:1) there are two paradigms to disabilities, the Medical Model and the Social Model. The health model views people with disabilities as patients who are dependent and who need ongoing care and nurturing. The social Model views them as fully participative members of the society. It is stated that inaccessible environments, methods of communication and bad attitude are the greatest barriers, and that there is a need to change the paradigms in order to change the perceptions and the ways of doing things. Nowadays, people with disabilities are recognised as fully participative members of the society.

Rob Film who is blind requested the delegates who attended a disability forum to appreciate the gift of sight as it can be taken from them anytime. He says, in the world of people with disabilities, abled bodied people are known as TABS which means Temporarily Abled Bodied because he assumes that being abled bodied can change anytime.

He argues that employers and or corporate stand everything to gain by economically empowering persons with disabilities through employment, training and business opportunities. He cites the following advantages for the employer:

- People with disabilities are more loyal in serving as compared to their abled counterparts and they tend to build their comfort zone in the work environment, this results in lower turnover.
- Appointing a person with disabilities stands to attract more people with disabilities especially in business because it suggests that the work environment is accessible, enabling and supportive to people with disabilities.
The Kantian Theory of universability and reversibility has a rule based perspective. It emphasises that people must abide by the categorical imperatives, such that, what is right for one person is right for everyone. It further promotes the notion of “do to others as you wish it be done to you”. (Winstanley & Woodall 2000:50) The theory puts a challenge on people who have influence on the employment practices. It touches their conscience that they implement the disability policies as they may be affected one day.

Dube, AK (2008) presented a paper on the framework strategy and implementation plan for dealing with disability in the legislative sector in a SALSA development seminar that was held at the Lord Charles Hotel in Cape Town.

The purpose of the framework strategy was to ensure that legislatures as institutions are not only compliant in so far as disability policy implementation is concerned but that they also lead the process as agents of change and policy enforcement. He tabled the situational analysis of the sector and stated the following:

- All MPs and MPLs interviewed agreed that they had insufficient induction and sensitisation towards disability but felt that this would add value to their ability to monitor disability issues.
- Only four of the nine legislatures interviewed have a disability policy either in draft or approved format in place and only one has a disability strategy that has been endorsed through top management.
- Overall, the understanding of reasonable accommodation was fairly superficial without recognition that accommodations can change over time and situations.
In a study that was conducted by Samaita Maita, he gathered the following statistics amongst the nine legislatures and National Parliament

Table 1: The disability statistics of the legislative sector

<table>
<thead>
<tr>
<th>NO.</th>
<th>PROVINCIAL LEGISLATURE/PARLIAMENT</th>
<th>STATISTICS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Kwa-Zulu Natal</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Limpopo</td>
<td>2</td>
</tr>
<tr>
<td>3.</td>
<td>North West</td>
<td>2</td>
</tr>
<tr>
<td>4.</td>
<td>Northern Cape</td>
<td>0</td>
</tr>
<tr>
<td>5.</td>
<td>Western Cape</td>
<td>1</td>
</tr>
<tr>
<td>6.</td>
<td>Gauteng</td>
<td>0</td>
</tr>
<tr>
<td>7.</td>
<td>Mpumalanga</td>
<td>1</td>
</tr>
<tr>
<td>8.</td>
<td>Free State</td>
<td>1</td>
</tr>
<tr>
<td>9.</td>
<td>Eastern Cape</td>
<td>2</td>
</tr>
<tr>
<td>10.</td>
<td>National Parliament</td>
<td>12</td>
</tr>
</tbody>
</table>

The table above paints a picture that gives an indication that Legislatures are under represented by people with disabilities. One can deduce that if they fail to meet the employment targets they can influence, the environment will be less attractive to citizens who have disabilities in terms of accessibility and being user friendly.

6. Research methodology

The target group are the officials, public representatives of the Eastern Cape Provincial Legislature and a sample will be drawn from the general public that
includes people with disabilities. The data for the research will be gathered by means of structured interviews with each participant. Structured interviews will be the best technique that will result in reliable and valid findings because the topic has an element of sensitivity.

The two groups of respondents, the staff and MPLs will be interviewed using different sets of questions as they may present different data on the study based on their knowledge and their experience. Self administered questionnaires with a minimum of ten questions will be used to gather data from the people with disabilities that represent the public.

In order to ensure validity and reliability of the research, the following measures will be taken:

- Notes will be taken during the interview to enhance the objectivity of the interviews.
- The researcher will transcribe the interviews as soon as possible after the interview.
- The data will be broken down into manageable themes and variables, using mind mapping techniques and data filtering technique where necessary. Kanyane (2008:30)

The researcher will use purposive sampling so that relevant data will be sourced from specific group of people. ECPL has approximately three hundred officials that are in different categories. They are divided into the members of the executive management, general managers, senior managers, unit managers, senior and junior officials as well as service officers and general assistants. The purposive sampling will be made of four officials, the General Manager: Integrated Human Resource Management, Chief Operations Officer, a senior official and a junior official that has a disability.
The public representatives are divided into presiding officers, chairpersons of portfolio committees and the Members of the Provincial Legislature (MPLs) from the different political parties namely the African National Congress (ANC), the Congress of the People (COPE), the United Democratic Party (UDM), and African Independent Congress Party (AIC). The study will interview the Speaker or his deputy, the Chair person of Chairpersons or his deputy, the Chief Whip or his deputy, the chairperson of the standing committee for youth, gender, the elder and the disabled and two members of the committee. The members of the committee must have a member of the ruling party and a member of the official opposition party to ensure a wide and unbiased response from the respondents. This totals to six respondents from the public representatives.

7. Ethical considerations

The researcher will respect the human dignity, confidentiality and the protocol of the Eastern Cape Provincial Legislature. Approval will be sought from the Speaker and the Secretary to the Legislature, and the findings will be made available to them with the recommendations.

8. Conclusion

Since 1994 the government has formulated various policies aimed at reversing the inequalities that came about through the pursuit of apartheid. The post apartheid paradigm-shift in policy-making has focused on empowering population groups that were disadvantaged in the past, including Persons with Disabilities. These new policies’ intentions are expressed differently in various policy documents such as, the Reconstruction and Development Programme
(RDP) and the Employment and Redistribution (GEAR). The Reconstruction and Development Programme are geared towards alleviating poverty, promoting equality, and striving towards an equal distribution of wealth among South Africa’s society.
CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

The need for a policy framework and implementation plan in the field of disability for Parliament and provincial legislatures comes against a background where South Africa has taken a leading role in the development of disability policies and legislation that guarantees the rights and needs of disabled persons.

The overall purpose of the study is to determine the status quo on disability policy, practices and structures in the Eastern Cape Provincial Legislature. The focus of this study is two-fold:

  c. To ensure that the needs of all citizens constitute the basis for planning and policy and that the general systems and institutions of society are accessible to all.
  d. To ensure that the ECPL as the people’s assembly implements the integrated National Disability Strategy to enhance the facilitation and the integration of disability issues into government developmental strategies, planning and programmes.

A brief overview of the specific structures, functions, laws and policies that fall under the ambit of Parliament and provincial legislatures will be presented in relation to disability issues. This will be followed by recommendations as to how the current functioning can be aligned within the disability framework for maximum effect on the lives of disabled persons in South Africa. Supportive legislation and policies include the following:

b. Promotion of Access to Information Act (2 of 2000)
c. Employment Equity Act (55 of 1998)
e. Human Rights Commission Act (54 of 1994)
f. Occupational Health and Safety Act (85 of 1993)

This is followed by the previous practises of segregating people with disabilities from the rest of the communities. Beliefs and values are some of the areas that are discussed, showing the different views amongst the communities. The study further alludes to the social movement as well as the liberation movement of disabled people that takes us to the current state. It touches on other areas like HIV & AIDS and gender issues which are some of the difficulties that are an added burden on people with disabilities. This is followed by recommendations on how the current functioning can be aligned within the disability framework for maximum effect on the lives of disabled persons in South Africa.

There is a discussion on cost effective means that can effectively remove the barriers to perform the job and to enjoy equal access to the benefits and opportunities of employment. The Department of Labour introduced the Employment Equity Act and launched the Code of Good Practise on the Key Aspects of Disabilities in the workplace to assist towards effective implementation.

2.2 Disability policy and legislation

While the laws seek to protect people with disabilities in South Africa, the opposite is true for the practises. Disabled women and girls face a host of
abuses at the hands of their caregivers, communities and in Government. The discrimination these women face is deeply embedded in the cultural, religious and gender biased societies they live in. Persistence of certain cultural, religious and gender-based barriers makes women and girls with disabilities victims of multi-discrimination. These women often lack the opportunities of the mainstream population, making them the most marginalised group in society.

According to Depoy and Gilson (2004: 33) the disability legislation in the 20th century falls into two primary categories:

a. Legislation to provide resources to disabled or needy persons and
b. Civil right legislation.

The construction of civil rights was not relevant to disability legislation. There was continued exclusion from participation in the communities and the economy shifted the stance of the disability legislation into a realm of protection of rights. Attention should be drawn to several important points that are illuminated by the application of the Explanatory Legitimacy Theory to public policy and law.

Currently, The Employment Equity Act, (55 of 1998) protects people with disabilities against unfair discrimination and entitles them to affirmative action measures. The Technical Assistance Guidelines on the Employment of People with Disabilities (2002) of the Department of Labour is a guide for employers and employees on promoting equal opportunities and fair treatment for people with disabilities. The implementation of the two in the workplace is supposed to be a sufficient measure to address the disability targets in the workplace. The department of labour is assigned with the responsibly to ensure that all employers abide by the laws and that failure is punishable.

2.3 Segregation and exploitation
According to Young in Depoy and Gilson (2004:108), there are five elements or faces of oppression; these include exploitation, marginalisation, powerlessness, cultural imperialism and violence. Some of the exploitative activities that existed were prorated wages for worker with mental retardation and full wages for the non disabled counterparts.

The existence of people with disabilities provoked some debate about the kinds of services that should be provided to them. There was a debate going on about whether disabled persons should stay in communities or not. Suggestions went on and a decision was taken that hospitals are the most appropriate places for people with disability to live out their lives, and that community services were more appropriate for them. (Hunt in Campbel and Oliver 1996: 29)

The policy makers didn’t really see how to make this a reality, and they thought of different sorts of institutions or different places to replace hospital wards. Hennessey in Campbel and Oliver (1996:30) describes his experience of segregated special education as very antagonistic. The school was 300 miles away from his home and he saw his parents only once a year, so it was pretty horrendous going away. He never really knew why it was going to be a problem for him to stay at home and study in a local school.

The Education White Paper 6 (2001) on inclusive education focuses on policies and practices on special needs education. It indicates that inclusion is more than just physical access to schools; but includes learners on social inclusion, curriculum accessibility and emotional inclusion. The concern with meeting special education needs suggests that special schools should work more closely with mainstream schools in order to increase inclusion. The successful move to greater inclusion is essential so that pupils with complex special education

For many years disability was a key reason for the exclusion of learners from mainstream schooling (the type of schooling available to most learners. The new policies try to include rather than exclude people with disabilities. The new challenge for those involved in education is to face difference in the school and remove the obstacles learners with disabilities experience.

### 2.4 The disability social movement

At the heart of any social movement has to be the sense that something is not right and that it can be rectified. People with disabilities started to discover each other in a common cause and that cause translated to action.

In 1981 the United Nations declared an international year of disabled persons, but South Africa refused to recognize the event because of its antipathy towards the UN (Roland, 2004: 158). The situation was worse for the rural communities as women still had to fetch water, grind mealies in the wooden stamper and collect wood for making fire. There were many cases of women with leprosy and Mseleni Hip disease, a painful mystery condition which was caused directly by harsh living conditions. Over time, the Rural Disability Action Group developed as an organization called RURACT whose objectives were personal independence and income generation through training and self help. This could link up with parallel processes in the remoter parts of South Africa (Rowland, 2004:161)

Latter in 1968 there was the founding of the South Africa Federation of the Disabled, the SAFOD in Durban. Zimbabwe, South Africa, Zambia, Namibia,
Lesotho and Botswana were also represented. Alexandre Phiri became the Secretary General and the Head Office was in Bulawayo. The objectives of SAFOD were to activate and support disability movements in all ten countries of the region and a handbook was developed for the world Program of Action Concerning Disabled Persons. This UN instrument was adopted in 1982; it proposed practical measures to be implemented by government in the field of rehabilitation, prevention, and equalization of opportunities. (Rowland, 2004:163)

Disability in South Africa has to be viewed against the background of the liberation struggle. Rowland (2004: 171) says that for every person who died in the struggle, three others became disabled and that it is in the pool of injury and anger that Disabled People of South Africa (DPSA) emerged. This organisation spearheaded the disability rights movement in the country.

In 1995, the protest actions took shape to mobilise disabled people to claim their rights and developmental needs. The philosophy that disabilities were not a health issue but a welfare issue became an area of interest to researchers. South Africa was envied for taking interest in disabled people compared to other developing countries.

However the pace has been agonisingly slow and the policy doesn’t always translate to practice, this can be associated with lack of knowledge from people in influential positions. The gradual recognition of disabled people by neither party politics nor charitable and voluntary organizations was not serving their interests appropriately. The study emphasizes the need for the involvement of the affected people as they have first hand good and or bad experiences. The rest of the people would play a supportive role towards making it work.
2.5 The liberation of people with disability

Hendrietta Bogopane is the visual impaired thirty year old parliamentarian in the Parliament of the Republic of South Africa, who became the first elected public representative. Today, National Parliament is one of the diverse parliaments in Africa with twelve disabled people with different disabilities. Bogopane confessed how difficult it was to read out the order papers, reports, legislation before parliament Rowland (2004:85). She applauded the staff she used to work with who were very supportive.

She later became the chairperson of the joint monitoring committee on the Improvement of Quality of Life and Status of Children, Youth and Disabled People. The powers of the committee were monitoring and oversight, besides the standard functions of an ordinary Portfolio Committee in the National Assembly or select Committee in the National Council of Provinces. Some of her duties were considering legislation, considering departmental reports, deliberating on budgets, and calling for public hearings on specific legislation or budget votes.

The Committee had to ensure that each and every budget vote passing through parliament is child, youth, and disabled friendly. It has the duty to ensure that legislation before any committee of parliament is disabled, youth and child friendly. The Committee also had provincial powers to ensure that legislation is successfully implemented by the departments. In a special News Conference that was held in Pretoria on 11 May 2009, President Jacob Zuma announced the members of his cabinet. Hendrietta Bogopane Zulu is the current Deputy Minister of Public Works in the Cabinet of South Africa.
The statistics of people living with disabilities is still low in National Parliament given that there are four hundred members of parliament and a staff compliment of approximately one thousand two hundred. As a law making institution, it is supposed to lead by example and comply with all legislation and regulations.

2.6 Disability and HIV & AIDS

Banda, (2006) in a study on disability, poverty and HIV & AIDS indicates that the disabled members of the society have not been spared from this scourge. On the other hand disability and HIV/AIDS are surrounded by a lot of myths and misconceptions like stigma and discrimination; therefore it is important that all HIV & AIDS programs and interventions mainstream disability and gender.

The study found that having a disabled child increases vulnerability to STI/ HIV infection as all parents go out with other sexual partners to prove who the source of the disabled child was. In that process, the turnover of sexual partners increases over a short period. Such behaviour may increase the risk of infections that could lead to HIV & AIDS.

The study basically seeks to emphasise that people with disabilities still face other challenges that ordinary people face today and remain marginalised in terms of service delivery. In 1997, when preparations were made to launch the partnership against HIV & AIDS under the then Deputy President Thabo Mbeki, Hendrietta Bogopane took the initiative to influence the partnership. She ensured that disabled people were included and that led to her becoming the first disability sector representative in the South Africa National Aids Council (SANAC). Disabled people are more vulnerable because of their disability as they are more likely not to get the information and likely not to have access to the HIV & AIDS workshops (Rowland, 2004:87).
2.7 Gender and disabilities

According to Human Rights Watch, women are more likely than men to become disadvantaged during their lives, due to the gender bias in the allocation of scarce resources and access to services. Women are less likely than men to make use of existing social services, including residential services, social, cultural and religious factors. Disabled women and girls face the same spectrum of human rights abuses that able-bodied women face. However, these abuses are magnified due to the social isolation and dependence of the women concerned.

The disablement of an impaired individual may be exacerbated by the way they are treated by their families as some disabled children are over protected by the anxious parents. Meanwhile, family structure and stability may be adversely affected by having one of its members disabled. It is important to note that some of these occurrences may strengthen rather than weaken family ties in some situations. (Oliver and Sapey 2006:88)

Wendell, S. (1996: 243) sees a need for a social and political theory because disabilities are socially constructed. The deep understanding of disabilities is thinking about the ethical, psychological and epistemic issues of living with disabilities. She added that the theory should be feminist as females have raised the most radical issues about cultural attitudes to the body. Disabled women struggle with both the oppression of being women in male dominated societies and the oppression of being disabled in a society dominated by able bodied people. She added that women with disabilities have made a meaningful contribution to the understanding of the complex interaction of being disabled the understanding of gender and disabilities.
The study conjures with the thinking of developing a disability theory as other contributions are scattered throughout the extensive, primarily experiential writing by disabled women. A vast number of these women come from the rural areas and have the worst experiences that would add value to the theory.

2.8 The National Accessibility Portal (NAP)

The National Accessibility Portal initiative is a large initiative aimed at improving the quality of life of people living with disabilities in South Africa. According to Dr Louis Coetzee of the Meraka Institute who is the NAP system architect and also a CSIR principal researcher, the portal aims to empower people with disabilities, and the communities around them. Their main agenda is to provide information and create a collaborative environment where people can share information. "The portal also provides guidance on creating communities to break the barriers typically encountered by persons with disabilities and other role players in the disability space in South Africa," he explains.

The latest version of the National Accessibility Portal (NAP) presents a significant step forward in the drive to integrate persons with disabilities into the mainstream economy and society through the use of Information and Communication Technology (ICT). The new release, known as NAP 3.0.0 contains a number of new features and additional functionality. Most notably the inclusion of South African Sign Language (SASL) on the interface aids the navigation process for the deaf. It also provides information through other modalities, specifically an SMS-based query facility via the mobile phone, as well as an interactive voice response (IVR) system via the telephone. This is in line with e-government, on-line government or transformational government which seeks to promote the use of information and information technology to
provide and improve government services, transactions and interactions with citizens.

This is also in line with the Promotion of Access to Information Act (2 of 2000) which gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of this Act, the private or public body to which the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released.

Initiatives like these that are very exciting as they seek to ensure that the marginalised groups have access to information through the use of technology. The registration to the portal is free of charge; it is unfortunate that the majority of people with disabilities hail from rural and poor communities who have no access to computers. This means that these developments remain an advantage for the rich and the few elite groups.

2.9 Accessible environment

According to French (1994:5) matters that relate to disabilities would be better placed in the Department of Environmental Affairs rather than the Department of Health or both. Matters of accessibility have close links with the environment as they are the ones who declare people with disabilities unable to utilize the facilities.

The wisdom is in the construction of user friendly buildings than converting the old ones to be accessible. New and important disciplines in engineering and architecture need to be developed to support access to the facilities. These
disciplines are better positioned to influence the construction plans, so that the facilities are made accessible and user friendly from the beginning.

The study opposes the suggestion that issues of disabilities must be placed in the Department of Environmental Affairs rather than the Department of Health or both. A multi departmental approach is advised so that each department carries its mandate. For example, the Department of Social Development has a significant role of providing social services like counseling as well as providing conditional grants.

2.10 Theories of disabilities

Corker and Shakespeare (2002:15) have a belief that the existing theories of disability, both radical and mainstream are no longer adequate. Both the medical and the social model seek to explain disability universally, and end up totalizing Meta – historical narratives that exclude important dimensions of disabled person’s lives and of their knowledge. The global experience of people with disabilities is too complex to be rendered within the unitary model, or set of ideas. There is a wide range of impairments under the disability umbrella; they also have different ways in which they impact on individuals and groups over their life time. There is a need to separate the different types of disabilities in order to give them the attention they deserve and better deal with other axes of inequalities.

It is argued that disability is the ultimate postmodern concept, considering the challenges which impairment issues face the notions of embodiment. The work of disability theory may be significantly harder than the work of feminists or other theories of oppression and they will need all the conceptual tools they can get. They also need to remember that the work is not just about what the
mainstream theory can bring to the disability studies, but also about the ways in which disability can inform or challenge the theory.

The study seeks to clarify that there is a wide range of disabilities that would seek different interventions. For example, visual impairment is different to all visually impaired people, they also require different supporting tools to enable them access to the facilities.

2.11 Discrimination of people with disabilities

Barriers such as wide spread ignorance, fear and stereotypes have caused people with disabilities to be unfairly discriminated in the society. They continue to be unfairly discriminated even in the workplaces.

2.11.1 Discrimination in communities

Hubbard, (2006: 93) stressed that it is far easier to cope with the physical aspects of a disability than with the discrimination and the oppression they encounter. People shun away from people with disabilities and isolate them so that they are not seen; some fear them as if disability is contagious. People view disabilities as a form of pollution; evidence of sin, divine punishment or, alternatively the results of witches’ spells. Mqulwana, K. Provincial Minister of Social development stated that children belong to, and flourish best within a family context; however research findings also indicate that the family is often a site of abuse. In this regard, communities have long played a fundamental role in the care of children and are recognized as being the best protection for children who have been abused, abandoned, neglected and exploited. (Budget speech 2007/8; tabled by Ms Kholeka Mqulwana, Provincial Minister of Social
In the research on the knowledge, beliefs and attitudes to disability: implications for health professionals, the findings indicated that there was a cultural difference in the main sub-themes of whether disability is ‘man-made or not. The beliefs of the main sub-theme of the white and coloured groups were as follows:

a. “It is our fault; if you don’t take the child to the clinic for injections she can get sicknesses like polio or these funny measles.” However, a second main sub-theme of black caregivers was ‘witchcraft’

b. “Because my husband chose to marry me instead of their daughter, they decided to make me barren. I have only this one child whom they also bewitched. He cannot talk or walk.”

c. “They put the medicine for me when I was pregnant. My body was full of that medicine and it passed to my child.”

Wilson sees disabilities not only as a personal tragedy, but as a public burden that is costly to tax payers. In the modern scientific and medical era, it is evident that it has to do with heredity and external causes such as accidents or infections. In essence hereditary disabilities are contagious because they can be passed from one generation to the other.

The Mental Health Care Act (17of 2002) seeks to ensure that care, treatment and rehabilitation of persons who are mentally ill conforms to the Constitution of the Republic of South Africa and the Bill of Rights. The principles of the Act state that special care should be given to the protection of minors and their
rights, including the appointment of personal representatives other than a family member.

Philpott (2004:15) indicates that rehabilitation, orthotic and prosthetic are the key services that the health sector is expected to provide for disabled people, both adults and children. The provision of assistive devices is the central function of the rehabilitation services. Their aim is to enable people with disabilities to become as independent as possible, including economic activity. The rehabilitation also contributes to personal development and enhanced self-esteem through improving access to equal opportunities.

The study appreciates the services that are provided by government like the provision of the assistive devices; however there is still a service delivery gap especially for people who stay in the rural communities. One of the contributing factors to mass urbanization is the unavailability of health services amongst the marginalized rural communities.

2.11.2 Discrimination in the work environment

Employers should adopt the most cost-effective means that are consistent with effectively removing the barriers to perform the job, and to enjoy equal access to the benefits and opportunities of employment. Reasonable accommodation applies to applicants and staff members with disabilities who are suitably qualified for the job.

Employers should make job advertisements accessible to people with disabilities by identifying the inherent requirements of the post, clearly describing the skills and capabilities required and setting reasonable criteria for selection. http://www.capegateway.gov.za 30/07/2009
The researcher views the unfair discrimination of people with disabilities in the workplace as recklessness on the part of those who have power. The Department of Labour has also proved to be toothless in enforcing compliance of the regulations that relate to disabilities. The legislatures and Parliament are supposed to set the pace before conducting oversight over government departments on issues relating to disabilities.

2.12 The elimination of discrimination

The Employment Equity Act, (55 of 1998) protects people with disabilities against unfair discrimination and entitles them to affirmative action measures. The Technical Assistance Guide and Code of Good Practice is a guide for employers and employees on promoting equal opportunities and fair treatment for people with disabilities. The Code is aimed at helping employers and employees understand their rights and obligations to promote certainty and reduce disputes. It also seeks to ensure that people with disabilities can enjoy and exercise their rights at work. The Code is not an authoritative summary of the law, nor does it create additional rights and obligations. Failure to observe the Code does not, by itself, render a person liable in any proceedings. Nevertheless when the courts and tribunals interpret and apply the Employment Equity Act, they have considered it.

Honourable Mdladlana (Minister of Labour) in a research report on the workplace needs of mobility-impaired of South Africa on 19 February 2004 highlighted some of the following concerns raised by the various stakeholders:

a. The Portfolio Committee on Labour noted with concern the failure by business of making significant advances towards the employment and promotion of people with disabilities.
b. The Human Rights Commission and the Growth and Development Summit also noted with concern that very little is being done to accommodate people with disabilities in the open labour market.

c. The October 2003, Skills Development Annual Implementation Report, also noted a very small percentage of people with disability being trained in the various programmes.

d. The CEE Annual Report indicated that most employers out there still do not have policies and/or programmes aimed at accommodating or advancing people with disabilities and there are still a small percentage of people with disabilities in employment.

The Minister further responded to some of the challenges and said that the Department of Labour did not only end at introducing the Employment Equity Act, it also introduced the following:

a. Launched the Code of Good Practice on the Key aspects of Disability in the workplace

b. Made advances with the advice from the Commission for Employment Equity to close all loopholes in order to make it difficult for employers to have excuses in the implementation of affirmative action, with special focus on people with disabilities.


d. Continued to provide subsidies to sheltered employment factories

e. Set a target in our National Skills Development Strategy that 4% of the total number of people trained should be people with disabilities by March 2005.
f. Continued to offer bursaries to people with disability through the National Student Financial Scheme and wage subsidies to employers employing people with disabilities under the National Skills Fund.

2.13 Elimination of disabilities

There are ways and means that can be legalized towards eliminating disabilities. The study finds it necessary to perform this exercise as the costs incurred by government for the treatment and management disabilities is high. In this way the families of people with disabilities will be saved from the strain that comes with having a permanently disabled person within the family as some come with complicated health conditions like epilepsy.

2.13.1 Elimination of disabilities through eugenics

The eleventh edition of The Encyclopaedia Britannica defines eugenics as the organic betterment of the race through wise application of the laws of heredity. Most parents want to give their children the best possible education, and every advantage they can afford and also hope to leave them in a better world than the one we were born into. However, the most important legacy that can be left for children is their own biological integrity: good health, high intelligence, and noble character. These traits go a long way towards insuring their personal happiness and well-being. Taken collectively, these traits constitute the ability of a population to maintain and advance civilization. (Van Court, M. 2004) http://www.eugenics.net/paper/caseforeugenics.pdf 28/05/2009

The study views the eugenics as a way of eliminating the disabilities that can be inherited. This will not only save the families from the stress of a disabled offspring but also value for money as the government will be making savings on health services that are provided by the Department of Health and the grant that is provided by the Department of Social Development.
2.13.2 Elimination of disabilities through abortion

It is clear that some medical professionals and public health officials are promoting prenatal diagnosis and abortion with the intention of eliminating categories of disabled people with Down’s syndrome and *spina bifida* for example. (Hubburd, 2006:107)

The researcher sees it proper that mothers be given a choice to terminate pregnancy after pre-natal diagnoses. This must be consented without imposing the termination as there can be more pain and suffering when the child is born than before it is born.

2.13.3 Elimination of disabilities through sterilization

It is evident that some disabilities are inherent and they are in the genes, people of this nature could be encouraged not to procreate as this disability is likely to evolve. However, Chapter two of the Constitution of the Republic of South Africa (1996) seeks to encourage the protection of the rights of people and the human dignity. It then becomes difficult to impose sterilization as it can be interpreted as human rights violation.

Although children belong to and flourish best within a family context, research findings also indicate that the family is often the place of abuse. In this regard, communities have long played a fundamental role in the care of children and are recognized as being the best protection for children who have been abused, abandoned, neglected and exploited.

One of the best community responses is the concept of Safe Houses, where safety parents are identified, vetted, with the help of the National Prosecuting Authority (NPA) and trained to provide a safety net to vulnerable children in times of crisis. The safe-house concept recognizes the inherent strengths of
communities to look after children promote cohesion and keep the idea of shared responsibility alive. It is the intention of NPA to expand this concept to include other vulnerable people for example, older persons and people with disabilities. “Over the next three years we intend to establish at least one safe house in all 350 wards of the province”. (Ms Kholeka Mqulwana, Provincial Minister of Social Development in the Provincial Legislature, Cape Town, 24 May 2007 the budget Speech 2007/8 Department of social development http://www.capegateway.gov.za /eng/pubs/speeches/2007/may/156802 30/07/09)

2.14 The statistics of people with disability


The study recognises that the majority of people with disabilities are not born as such, but acquire disability through life experiences like accidents and ill health. It is against this background that these people can not be deprived economic participation and freedom.

2.15 Mainstreaming disabilities

Mainstreaming is defined as a general common current of thought by the majority of people. The national Department of Social Development Policy on Disability is meant to guide and inform the mainstreaming of Disability in the
development and implementation of all policies, strategies and the integrated service delivery programmes of the Department, throughout all provinces of our country.

In the past decade there has been an increased movement of disability into mainstream business. The groups that have derived primary economic benefits from disabilities throughout the 20th century have been those who provide health and rehabilitation support and services as well as those with related agendas like insurance that cover for disability benefits. Major new market sectors comprised of disabled individuals have been identified. In the eye glass industry corrective lenses were considered adaptive, the fashion industry has joined with the medical industry to create a multi million-dollar industry of eyeglasses and related products. (DePoy and Gilson 2004:49). Chapter 3 will deal with research methodology.

2.16 Conclusion

The purpose of the study was to the effect of the disability policy on the public and the workers of the Eastern Cape Provincial Legislature. The researcher touched on the different policies and legislations that were meant to govern the implementation of issues that are related to the handling of all disability matters in the country.

Some literature that seek to demonstrate the long history oppression, and exploitation has been explored which highlights the levels of marginalization the disabled people were exposed in the past. The mushrooming of social movement around South Africa is an indication that there were anomalies that needed attention. The study further mentions other … that the disabled people get exposed to like the gender imbalances, HIV & AIDS infection and the discrimination they are subjected to in the social surroundings including family.
The researcher also provides a window of the good ground work that has been done thus far as an effort to eliminate the discrimination and improve accessibility towards leveling the playing field. Some ways and means were cited on how the growing levels of people that are born with disabilities can be reduced. This would eliminate the suffering by disabled people, their families and the Government who has to cater a budget for social assistance and for health services for the people that are born with disabilities.
3.1 Introduction

The development of the different pieces of legislation seeks to address or rectify the different social anomalies that have a negative impact on the lives of people and on service delivery; they also provide rules on how things ought to be done. South Africa has advanced very well with developing legislation through the use of the nine provincial legislatures and National Parliament. There is legislation of national competence like the provisions of the Employment Equity Act (55 of 1998) which seeks to address equity in the workplaces. There are also provincial concerns that are addressed through the use of provincial regulations like the Health Standards in Traditional Circumcision Act (6 of 2001).

The department of labour is one of the law enforcement institutions; however there are gaps that can be associated with lack of knowledge, ignorance and sheer lawlessness amongst communities and employers. The communities who are at the receiving end are better positioned to identify law breakers. There is still reluctance to blow the whistle in fear of safety and protection from the communities.

In the following passages, the action research which is a research that is primarily designed to provide an empirical test of the possible solution on a social problem is briefly defined. The study touches on ethical practices, which is the morality of conducting the study without pinching information or tapping on classified and confidential information. The Grounded Theory which works within both an inductive and deductive framework is explained. With the
induction framework, the researcher explores data allowing it to suggest meaning and explanation that may culminate into a theoretical model.

Methods and methodologies to conduct the study are explored at length. Specific reference is paid to the qualitative and quantitative methods of collecting data. The study further explains the methods of selecting a sample which will ensure that the research leads to reliable findings. Furthermore, it emerges with the decision about which of the interviews should be further treated, i.e. transcribed and interpreted. The importance of research questions is explained and the importance of the size of the sample thereof. The questions to be asked are explored to ensure that there is enough data collected while avoiding massive data that would be difficult to analyse and interpret.

Three different sets of questionnaires have been designed for different groups. The researcher shall distribute them to a diverse group of respondents to ensure a wide variety of inputs on the subject matter. Each questionnaire has ten open ended questions that would allow the respondents to further explain themselves.

### 3.2 Action research

Payne and Payne (2005:9) define action research as one which is primarily designed to provide an empirical test of the possible solution on a social problem. It contains an innovation to produce the change in policy or procedure, monitored by social research methods. They further explain that there are two main reasons why people do social research; one is because there is an intellectual challenge arising from the need to feel a gap in knowledge. The other one is that the currently accepted theories should be accepted against evidence. Action research is a type of applied research that is an essential social experiment, it seeks to introduce new policies and then monitor the effects.
3.3 Ethical practise

Ethical practise is a moral stance that involves conducting research to achieve not just high professional standards or technical procedure, but also respect and protection for the people actively consenting to be studied. It is not an add-on to social research, but lies at its heart. Physical and social scientists work on the assumption that other scientists behave honestly. They assume that they do not invent data, lie about the success of their methods, suppress findings or selectively report only those parts that support their theoretical position (Payne and Payne 2005:66)

There is a need to get informed consent to participate from the respondents, meaning they must be fully informed about the research. They must be reassured that their privacy and sensitivity will be protected and know what will happen to the information after recording (Henning, van Rensburg and Smit 2005:73)

3.4 Grounded theory

Payne and Payne (2009:99) say the Grounded Theory is one of the more widely used and abused current research methods. It involves a precise and systematic set of methods, but inexperienced researchers frequently invoke it. What they mean is that theoretical knowledge should be based on the social phenomena described, and that they want to take an inductive stance. Grounded Theory works within both an inductive and deductive framework. In induction, the research explores data allowing it to suggest meaning and explanation that may culminate into a theoretical model.
Coding is a grounded theory strategy that has been incorporated within software application. The coding of data is central both to grounded theory and to most of the programs developed specifically for qualitative analysis (Henning 2009: 131)

3.5 Methods and methodologies

The term methodology means the science or study of methods. These are specific techniques used in social research strictly meaning studies and methods. Methods of social research are the technical practises used to identify research questions, collect and analyse data, and present findings. Henning et al (2005:36) argue that a design type is a reflection of the methodological requirements of the research question, and therefore of the type of data that will be processed. These decision making actions depend on the knowledge and philosophy of the researcher as the methodology is an epistemological home of the enquiry.

3.5.1 Methodological pluralism

Methodological pluralism means that the readers need to know both how well the research tool was used and was believed to be the best method to select.

3.5.2 Survey method

Surveys work on the assumption that an interviewer will ask specific predetermined questions within a short period of time. The elicit answers tell the researcher something valuable about social life (Payne and Payne 2005: 150).
3.5.3 Qualitative methods

Qualitative methods produce detailed and non quantitative accounts of small groups, seeking to interpret the meaning people make of their lives in natural settings. It assumes that social interaction forms an integral set of relationships best understood by inductive procedures. Social life is intricate and dependent on circumstances, such that the need to reduce it to statistical implications is minimised. Social surveys questionnaires cannot hope to catch the essence of social interactions. Only qualitative methods with their detailed, flexible, sensitive and naturalistic character are suited to producing adequate sociological accounts (Payne and Payne 2005:176)

3.5.4 Quantitative methods

Quantitative methods seek regularities in human lives by separating the social world into empirical components called variables. These can be represented numerically as frequencies or rate, whose associations with each other can be explored by statistical techniques, and accessed through researcher - introduced stimuli and systematic measurements.

Payne and Payne (2005:181) see it conventional to divide social research methods into two types, the qualitative and the qualitative. This makes it easier to identify differences between approaches to research in the form of a rough “shorthand” way of talking about things. Quantitative methods in its simplest form consist of counting how frequently things happen. Most quantitative research operates with less detail than qualitative methods, but with a wider scope and more generalised level of explanation.
3.6 Methodology and behaviourists

Behaviourists sought to frame hypothesis or theories that could be tested against the evidence, through the collection and analysis of the relevant data in the manner of other sciences. This requires the mastery of advanced statistical methods and the searching of meaningful correlation between variables to substantiate or reject tentative hypothesis. The methodology was inductive deriving a general law or principle from a number of observed particular instances. (Leach 2008: 85).

3.7 Sampling process

This is the process of selecting a sub set of people or social phenomenon to be studied from the universe to which they belong. This is determined by a balance between the available resources, anticipated techniques of analysis, how much variation there is believed to be in the universe and the level of precision needed in estimates to be made about the universe on the basis of the data from the sample. (Payne and Payne 2004:204)

The issue of sampling emerges at different points in the research process. In the interview study, it is connected to the decision about which persons to interview and from which group these should come from. Furthermore, it emerges with the decision about which of the interviews should be further treated, i.e. transcribed and interpreted. During the interpretation of the data, the question again arises with the decision about which parts of the text should be selected for interpretation in general or for a particular detailed interpretation. Finally, it arises when presenting findings, a decision has to be taken as to which cases or parts of the test are best used to demonstrate the findings. (Flick 2002: 61)
3.8 Survey sampling methods

It is incumbent on the researcher to clearly define the target population. There are no strict rules to follow, and the researcher must rely on logic and judgement. The population is defined in keeping with the objectives of the study. Sometimes, the entire population will be sufficiently small, and the researcher can include the entire population in the study. This type of research is called a census study because data is gathered on every member of the population. Usually, the population is too large for the researcher to attempt to survey all of its members. A small, but carefully chosen sample can be used to represent the population. The sample reflects the characteristics of the population from which it is drawn.

http://www.statpac.com/surveys/sampling.htm 2009-09-16

3.8.1 Probability or non probability sampling

Sampling methods are classified as either probability or non probability. In probability samples, each member of the population has a known non-zero probability of being selected. Probability methods include random sampling, systematic sampling, and stratified sampling. In non probability sampling, members are selected from the population in some non random manner. These include convenience sampling, judgment sampling, quota sampling, and snowball sampling. The advantage of probability sampling is that sampling error can be calculated. Sampling error is the degree to which a sample might differ from the population. When inferring to the population, results are reported plus or minus the sampling error. In non probability sampling, the degree to which the sample differs from the population remains unknown 2009-09-16 http://www.statpac.com/surveys/sampling.htm
3.8.2 Random sampling

Random sampling is the purest form of probability sampling. Each member of the population has an equal and known chance of being selected. When there are very large populations, it is often difficult or impossible to identify every member of the population, so the pool of available subjects becomes biased. [http://www.socialresearchmethods.net] 2009-09-17

3.8.3 Systematic sampling

Systematic sampling is often used instead of random sampling. It is also called an Nth name selection technique. After the required sample size has been calculated, every Nth record is selected from a list of population members. As long as the list does not contain any hidden order, this sampling method is as good as the random sampling method. Its only advantage over the random sampling technique is simplicity. Systematic sampling is frequently used to select a specified number of records from a computer file. [http://www.statpac.com/surveys/sampling.htm] 2009-09-16

3.8.4 Stratified sampling

Stratified sampling is a commonly used probability method that is superior to random sampling because it reduces sampling error. A stratum is a subset of the population that share at least one common characteristic. Examples of strata might be males and females, or managers and non-managers. The researcher first identifies the relevant strata and their actual representation in the population. Random sampling is then used to select a sufficient number of subjects from each stratum. "Sufficient" refers to a sample size large enough for one to be reasonably confident that the stratum represents the population. Stratified sampling is often used when one or more of the strata in the
population have a low incidence relative to the other strata.

3.8.5 Convenience sampling

Convenience sampling is used in exploratory research where the researcher is interested in getting an inexpensive approximation of the truth. As the name implies, the sample is selected because it is convenient. This non-probability method is often used during preliminary research efforts to get a gross estimate of the results, without incurring the cost or time required to select a random sample. (Ladner S. 2003) http://www.copenicusconsulting.net 2009-09-17

3.8.6 Judgment sampling

Judgment sampling is a common non-probability method. The researcher selects the sample based on judgement. This is usually an extension of convenience sampling. For example, a researcher may decide to draw the entire sample from one "representative" city, even though the population includes all cities. When using this method, the researcher must be confident that the chosen sample is truly representative of the entire population.

http://www.statpac.com/surveys/sampling.htm 2009-09-16

3.8.7 Quota sampling

Quota sampling is the non-probability equivalent of stratified sampling. Like stratified sampling, the researcher first identifies the strata and their proportions as they are represented in the population. Then convenience or judgment sampling is used to select the required number of subjects from each stratum. This differs from stratified sampling, where the strata are filled by random sampling (Ladner S. 2008) http://www.copenicusconsulting.net 2009-09-17
3.8.8 Snowball sampling

Snowball sampling is a special non probability method used when the desired sample characteristic is rare. It may be extremely difficult or cost prohibitive to locate respondents in these situations. Snowball sampling relies on referrals from initial subjects to generate additional subjects. While this technique can dramatically lower search costs, it comes at the expense of introducing bias because the technique itself. [http://www.statpac.com/surveys/sampling.htm](http://www.statpac.com/surveys/sampling.htm) 2009-09-16

3.8.9 Purposive sampling

Wikipedia defines purposive sampling as a process whereby the researcher selects a sample based on experience or knowledge of the group to be sampled. It is done when the desired population for the study is rare or very difficult to locate and recruit for a study. For example, if there is interest to study cognitive processing speed of young adults who have suffered closed head brain injuries in automobile accidents. This would be a difficult population to find, as they have the relevant information that is necessary for the study. [http://en.wikipedia.org](http://en.wikipedia.org) 2009-09-16

3.9 Research questions

The wording of a question is extremely important. Researchers strive for objectivity in surveys and, therefore, must be careful not to lead the respondent into giving a desired answer. Unfortunately, the effects of question wording are one of the least understood areas of questionnaire research. The formulation of the research questions is guided by the aim of clarifying what the field contacts will reveal. It is equally dangerous to have too much or too little data as it may not provide a true reflection of the study. [http://www.statpac.com/surveys/sampling.htm](http://www.statpac.com/surveys/sampling.htm) 2009-09-16
3.9.1 Size of the questions

Flick (2002:46) sees the central step which essentially determines the success of a qualitative research as the crafting of the research questions. The researcher is confronted with this problem in several phases of the process namely:
   a. In conceptualising the research design.
   b. In entering the field.
   c. Conceptualising the interpretation.

The less clearly the research question is formulated, the greater the danger that the research will end with mountain of data, helplessly trying to interpret it. In many cases, the origin of the research questions lies in the researcher’s personal biography and the social context. The decision about specific questions mostly depends on the researcher’s practical interest and his or her involvement in certain social and historical contexts (Flick 2002:48)

3.9.2 Types of research questions

There are different types of research questions; they can be differentiated between research questions oriented towards describing states and those describing processes. It should be described how a certain given state has come about and how the state is maintained. Research questions are like a door to the research field under study. Whether empirical activities investigated produce answers or not depends on the formulation of such questions (Flick 2002:50)

3.10 Data collection

Subject to prior arrangements, data is being collected by means of unstructured questionnaires in order to gain insight to the topic.
3.10.1 Questionnaires designed for collecting data

Three sets of open ended questionnaires were distributed to different groups, each with ten questions. Data shall be collected from different groupings to ensure a fair representation of respondents at different levels including a fair gender balance. The questionnaires prepared are as follows:

3.10.1.1 Questionnaire A

This is designed to collect data from the Members of the Provincial Legislature (MPLs) who are at the decision making levels and those who work directly with the business of disabilities. These were distributed on 03 August 2009 with the following questions:

a. Does ECPL have a disability policy?
b. Does the policy make accommodation for both staff and MPLs of ECPL?
c. Are there nominated public representatives that have disabilities?
d. If yes, are the enabling facilities supportive to ensure that they perform their duties?
e. If no, is there a budget in place to make the enabling facilities supportive?
f. Do you know of any disability legislation?
g. Is there a portfolio committee on youth, gender and disability?
h. If yes, does the committee oversee the implementation of disability programs in the government departments?
i. Is the oversight also conducted in ECPL?
j. Would you say there is maximum participation by people with disabilities in the ECPL programs?
Figure 1: Biographical details of members of the provincial legislature

<table>
<thead>
<tr>
<th>No.</th>
<th>Name &amp; Surname</th>
<th>Gender</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ms N. Moerane</td>
<td>Female</td>
<td>Deputy Speaker</td>
</tr>
<tr>
<td>2.</td>
<td>Mr H. Maxegwana</td>
<td>Male</td>
<td>Chief Whip</td>
</tr>
<tr>
<td>3.</td>
<td>Mr A. Mtsi</td>
<td>Male</td>
<td>Chairperson of Chairpersons</td>
</tr>
<tr>
<td>4.</td>
<td>Ms N. Ntantiso</td>
<td>Female</td>
<td>Deputy Chairperson of Chairpersons</td>
</tr>
<tr>
<td>5.</td>
<td>Mr M. Makhupula</td>
<td>Male</td>
<td>Chairperson:</td>
</tr>
<tr>
<td>6.</td>
<td>Mr V. Mtongana</td>
<td>Female</td>
<td>Chairperson: Health Portfolio Committee</td>
</tr>
<tr>
<td>7.</td>
<td>Ms N. Gqiba</td>
<td>Female</td>
<td>Chair: Youth Gender and disabled</td>
</tr>
<tr>
<td>8.</td>
<td>Ms Mtitshana</td>
<td>Female</td>
<td>Chairperson:</td>
</tr>
<tr>
<td>9.</td>
<td>Mr B. Stevenson</td>
<td>Male</td>
<td>Leader of Democratic Alliance</td>
</tr>
<tr>
<td>10.</td>
<td>Mr S. Kwelita</td>
<td>Male</td>
<td>Leader of Congress of the People</td>
</tr>
</tbody>
</table>

Table 1 above is a list presiding officers, the MPLs who were given the questionnaires. 1 – 8 are members of ANC which is the ruling part, 9 is the Leader of Democratic Alliance and 10 is the Leader of the Congress of the People.

### 3.10.1.2 Questionnaire B

This is designed for the administrative staff of Eastern Cape Provincial Legislature who is at the decision making positions including people with disabilities. The questions are as follows:

a. Does ECPL have a disability policy?

b. If yes, do you know what it entails?
c. Are there people with disabilities in ECPL?
d. If yes, are there enabling facilities for staff that have
disabilities in ECPL?
e. Do people with disability in ECPL have a good quality of
life, meaning are they treated with respect?
f. Does ECPL meet the disability targets as stipulated in the
employment equity?
g. Are the disability legislation/policies implemented in ECPL?
h. Do you have knowledge of the disability legislation or
policies?
i. Are the employment practises specific towards attracting
people with disabilities?
j. If yes, has ECPL succeeded in attracting people with
disabilities?

Figure 2: The biographical details of the administration staff of the Eastern
Cape Provincial Legislature

<table>
<thead>
<tr>
<th>No.</th>
<th>Name and Surname</th>
<th>Gender</th>
<th>Race</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ms T. Mpako</td>
<td>Female</td>
<td>Black</td>
<td>Senior Manager: Integrated Human Resources Management</td>
</tr>
<tr>
<td>2.</td>
<td>Ms N. Sibane</td>
<td>Female</td>
<td>Black</td>
<td>Researcher:</td>
</tr>
<tr>
<td>3.</td>
<td>Ms M. Sobili</td>
<td>Male</td>
<td>Black</td>
<td>Senior Manager: Financer</td>
</tr>
<tr>
<td>4.</td>
<td>Mr M. Nkwali</td>
<td>Male</td>
<td>Black</td>
<td>Chairperson of NEHAWU</td>
</tr>
<tr>
<td>5.</td>
<td>Mr E. Jacobs</td>
<td>Male</td>
<td>Coloured</td>
<td>General Manager: Strategy and Communication</td>
</tr>
<tr>
<td>6.</td>
<td>Ms L. Swartz</td>
<td>Female</td>
<td>White</td>
<td>Unit Manager: International Travel</td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Gender</td>
<td>Race</td>
<td>Position</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------</td>
<td>--------</td>
<td>-------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>7.</td>
<td>Mr H. Smith</td>
<td>Male</td>
<td>White</td>
<td>Chief Parliamentary Officer</td>
</tr>
<tr>
<td>8.</td>
<td>Mr M. Njomba</td>
<td>Male</td>
<td>Black</td>
<td>Chief Financial Officer</td>
</tr>
<tr>
<td>9.</td>
<td>Mr N. Tingo</td>
<td>Male</td>
<td>Black</td>
<td>Service Office</td>
</tr>
<tr>
<td>10.</td>
<td>Ms E. Goodrum</td>
<td>Female</td>
<td>White</td>
<td>Language Interpreter</td>
</tr>
<tr>
<td>11.</td>
<td>Ms N. Mdleleni</td>
<td>Female</td>
<td>Black</td>
<td>Wellness Practitioner</td>
</tr>
<tr>
<td>12.</td>
<td>Ms N. Makuluma</td>
<td>Female</td>
<td>Black</td>
<td>Senior Human Resource Development Practitioner</td>
</tr>
<tr>
<td>13.</td>
<td>Q. Mafuya</td>
<td>Male</td>
<td>Black</td>
<td>Legal advisor</td>
</tr>
<tr>
<td>14.</td>
<td>T. Du Plessis</td>
<td>Female</td>
<td>White</td>
<td>Senior Communications officer</td>
</tr>
</tbody>
</table>

Table 2 below represents managers and practitioners of the Eastern Cape Provincial Legislature who are at decision making positions. This includes people from the union as well people who have disabilities.

### 3.10.1.3 Questionnaire C

Questionnaire C is designed to collect data from the general public administration including people with disabilities. The questions are as follows:

- a. Is the ECPL environment accessible to people with disabilities?
- b. Is there need to improve accessibility in ECPL? If yes, what would it be?
- c. Does the ECPL environment encourage participation by the public in events like children’s parliament?
- d. Would you encourage people with disability to come to ECPL?
- e. If not, why?
- f. Did you find the committee rooms and the Chamber user-friendly?
g. If no, would you raise your concerns with ECPL leadership?

h. Are the employment practices attractive to people with disabilities?

i. Are there people with disabilities that work for ECPL that you happen to know?

j. Would you work for ECPL? Why?

k. If yes, what would you do to improve the accessibility?

Figure 3: The biographical details of the public

<table>
<thead>
<tr>
<th>No.</th>
<th>Name and Surname</th>
<th>Disability status</th>
<th>Race</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Mr S. Gobile</td>
<td>None</td>
<td>Black</td>
<td>Male</td>
</tr>
<tr>
<td>2.</td>
<td>Ms P. Rasmeni</td>
<td>Disabled</td>
<td>Black</td>
<td>Female</td>
</tr>
<tr>
<td>3.</td>
<td>Ms Y. Mnyanda</td>
<td>None</td>
<td>Black</td>
<td>Female</td>
</tr>
<tr>
<td>4.</td>
<td>Ms Z. Burwana</td>
<td>Disabled</td>
<td>Black</td>
<td>Female</td>
</tr>
<tr>
<td>5.</td>
<td>Ms M. Mjo</td>
<td>None</td>
<td>Black</td>
<td>Female</td>
</tr>
<tr>
<td>6.</td>
<td>Mr P. Melani</td>
<td>None</td>
<td>Black</td>
<td>Male</td>
</tr>
<tr>
<td>7.</td>
<td>Mr E. Armani</td>
<td>Disabled</td>
<td>Coloured</td>
<td>Male</td>
</tr>
<tr>
<td>8.</td>
<td>Ms Z. Bevu</td>
<td>Disabled</td>
<td>Black</td>
<td>Female</td>
</tr>
<tr>
<td>9.</td>
<td>Mr P. Zitumane</td>
<td>None</td>
<td>Black</td>
<td>Male</td>
</tr>
<tr>
<td>10.</td>
<td>Ms N. Gaushe</td>
<td>None</td>
<td>Black</td>
<td>Female</td>
</tr>
<tr>
<td>11.</td>
<td>D. Williams</td>
<td>None</td>
<td>White</td>
<td>Male</td>
</tr>
</tbody>
</table>

The above table represents people from the public who have experienced the facilities of the Eastern Cape Provincial Legislature. Fifty percent of the respondents are people with disabilities.
3.11 Conclusion

This chapter was intended to explore research methodologies to be used in order to evaluate the implementations of the disability policies in ECPL. Open ended questionnaires have been designed for three different groups of respondents.

From the information presented above, it can be evaluated whether the disability policies are used properly or not. The study will further deduce the extent of compliance with the relevant regulations and the impact on the members of the Easter Cape Provincial Legislature, to the staff and to the public which includes people with disabilities. The researcher now moves to Chapter 4 which will focus on the presentation, interpretation and analysis of the data that has been collected.
CHAPTER 4

PRESENTATION AND ANALYSIS OF DATA

4.1 Introduction

In the previous chapter, the research methods and procedures of collecting data were stated and described. The majority of the distributed questionnaires from the research participants were returned. The principal objective of this chapter is to present and analyse the data that has been collected in the research from the Eastern Cape Provincial Legislature (ECPL) and the general public which has been exposed to the facilities of the institution. The research in this regard has tried to be as objective as possible to let the research results speak to themselves. This means that the research has tried to bracket off any possible biases, attitudes, beliefs, and prejudices in the quest of finding the authentic reality of the ground.

The South African Government before the democratically elected government was characterised by structures and functions based on the policy of discrimination and separate development. The policies were designed to benefit the minority which was favoured by the government in so far as service delivery is concerned as the needs of the communities were not considered. As a result, the current government is faced with a big back log of transforming the policies so that all the citizens of the country are treated fairly and equally. The government has to ensure that all residents, no matter where they live, are entitled and should have access to good quality public service.

Permission has been granted by the Secretary to the Legislature, Mr M. H. Mpahlwa that the study be conducted in ECPL. The researcher also undertook
to make the findings and recommendations available to ECPL administration. A purposive sample has been taken from three groups namely:

- The Members of the provincial legislature who are in specific levels.
- The administrative personnel who include people with disabilities and managers who are directly involved in the employment practices of ECPL.
- The general public which has experienced the facilities of ECPL which includes people with disabilities.

4.2 Data analysis and interpretation

Data collected was analysed using descriptive statistics and later interpreted. The quantification of the number of respondents and their responses enables the researcher to work out percentages of the respondents. Computations and calculations of scores were processed in order to make interpretations and draw conclusions. The findings were linked to the study problem and provided an answer to the stated hypothesis.

This chapter presents and analyses the data gathered in the study which evaluates the impact of the implementation of legislation towards service delivery. The presentation and analysis is done with the view of ensuring that it reflects the objectives of the study which are as follows:

- To find out if people with disabilities participate in governance
- To determine if people with disabilities have a good quality of life.

4.3 Findings and literature

The findings of the study will now be explained
Table 4.3.1: The distribution of questionnaires in percentage

<table>
<thead>
<tr>
<th>No</th>
<th>Group</th>
<th>Questionnaire issued</th>
<th>Questionnaire returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Administration staff of ECPL including people with disabilities.</td>
<td>20</td>
<td>12</td>
</tr>
<tr>
<td>2</td>
<td>Members of the Eastern Cape Provincial Legislature.</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>3</td>
<td>The public including people with disabilities.</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>44</strong></td>
<td><strong>27 responses</strong></td>
</tr>
</tbody>
</table>

The table above indicates that a number of questionnaires distributed, were returned and the percentage response of 58% from MPLs is satisfactory for analysis and interpretation. A calculated strategy was made to distribute more questionnaires in each category with the purpose of making a provision for questionnaires that may not be returned.

4.3.1 Responses from the respondents

The three groups of respondents responded to three different sets of questions. The responses from each group are analysed and interpreted.

4.3.1.1 Responses from MPLs of ECPL

Out of the questionnaires that were issued to the public representatives, 70% was returned and the responses were as follows:
a. The MPLs were asked if they knew about the existence of the disability policy. The responses were as follows:

<table>
<thead>
<tr>
<th>Yes</th>
<th>30%</th>
<th>No</th>
<th>40%</th>
<th>Other</th>
<th>-</th>
</tr>
</thead>
</table>

Comments received were that 40% are not aware of the existence of the policy; some indicated that the policies of the institution are only known by the people who work directly with that business. 30% indicated that they knew about the existence of the policy.

b. They were asked if the policy does accommodate both staff and MPLs of ECPL. 60% out of 70% indicated that the policy does not accommodate staff and MPLs, while some said the existing policy is made for MPLs only. 10% of the respondents said they do not know whether it accommodates both staff and MPLs

<table>
<thead>
<tr>
<th>Yes</th>
<th>-</th>
<th>No</th>
<th>60%</th>
<th>Other: Not sure</th>
<th>10%</th>
</tr>
</thead>
</table>

c. Are there nominated public representatives that have disabilities?

<table>
<thead>
<tr>
<th>Yes</th>
<th>10%</th>
<th>No</th>
<th>50%</th>
<th>Other: Not aware of</th>
<th>10%</th>
</tr>
</thead>
</table>

50% of the respondents purported that there are no MPLs with disabilities in the new term; 10% indicated that they are not aware of any MPLs that have disabilities as some disabilities are invisible. The other 10% mentioned that there is only one MPL that has a disability; they are currently in the NCOP which is based in South African National Parliament in Cape Town.
d. Are the enabling facilities supportive to ensure that people with disabilities perform their duties?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>60%</td>
</tr>
<tr>
<td>No</td>
<td>10%</td>
</tr>
<tr>
<td>Other</td>
<td>-</td>
</tr>
</tbody>
</table>

The majority of the respondents at 60% are of the opinion that the facilities are supportive to MPLs who have disabilities. They further indicated that the institution does appoint people to assist the MPLs that have disabilities. 10% indicated that, the building is not user friendly although there are major renovations taking place.

e. Does ECPL have a budget in place to make the enabling facilities supportive?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>10%</td>
</tr>
<tr>
<td>No</td>
<td>50%</td>
</tr>
<tr>
<td>Other: Budget not with ECPL</td>
<td>10%</td>
</tr>
</tbody>
</table>

10% of the respondents mentioned in the comments that there is no office that is in charge of the program, suggesting that there is no budget based on that. 50% indicated that there is no budget in place while the other 10% mentioned that the budget resides with the Department of Public Works as the building belongs to them.

f. Do you know of any disability legislation?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>20%</td>
</tr>
<tr>
<td>No</td>
<td>50%</td>
</tr>
<tr>
<td>Other</td>
<td>-</td>
</tr>
</tbody>
</table>

20% of the respondents are aware of the governing legislation, while 10% of the 20% further mentioned that the Constitution requires protection of human dignity and seeks to protect people from discrimination because of their
disability status. 50% of the respondents purported that they are not aware of any disability legislation.

g. Is there a portfolio committee on youth, gender and disability?

| Yes | 70%  | No | -   | Other | -   |

All the respondents agreed in unison that there is a committee in place; some mentioned that the portfolio committee is based in the Office of the Premier. It seeks to ensure that the provincial government departments are in line with the disability legislation.

h. Does the committee conduct oversight on the implementation of the disability policies in the government departments?

| Yes | 70%  | No | -   | Other | -   |

All respondents confirmed that oversight is conducted; hence the strategic placement in the Office of the Premier to ensure monitoring and evaluation of the disability programs in the provincial government departments.

i. Is the oversight also conducted in ECPL?

| Yes | 30%  | No | 30%  | Other | 10%  |

30% of the responses said that there is no oversight conducted in ECPL while 30% said there is. 10% of the respondents are of the opinion that there is no need to conduct oversight in ECPL. There is no office dealing with disability
matters, therefore no oversight conducted on the implementation of the disability policies and regulations.

j. Would you say there is maximum participation by people with disabilities in programs?

| Yes | - | No | 70% | Other |

In support of the response that there is no maximum participation, some comments indicated that there are no facilities for people with disabilities. Some comments received indicated that provisions are not always in place; however they are hired when there are events.

4.3.1.2 Responses from the administration staff of ECPL

It must be noted that the questions targeted the administration personnel that is influential in the employment practices of the institution. As indicated above, twenty questionnaires were issued to some senior officials who are in Human Resources, to the union leadership as well as to some people that have disabilities. Twenty questionnaires were distributed and twelve were returned. However, only ten questionnaires were analysed and interpreted, the selection was made based on representatively of the different groups in the purposive sampling.

a. Does ECPL have a disability policy?

| Yes | 20% | No | 60% | Other: Not sure | 20% |

The responses received indicated that 20% of the employees said there is a disability policy, 60% said there is no disability policy. 10% said they have
never heard of a disability policy of the institution whilst the other 1% said the policy was for MPLs and not for staff.

b. Does staff know what the disability policy entails?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>-</th>
<th>No</th>
<th>50%</th>
<th>Other: No comments</th>
<th>50%</th>
</tr>
</thead>
</table>

Half of the respondents, that is 50% purported that they did not know what the policy entails, while there are no further responses received from the rest of the respondents.

c. Are there people with disabilities in ECPL?

|            | Yes | 80% | No | 20% | Other | - |

80% of the confirmed that there are people with disabilities in ECPL, and only 20% indicated that there are no people with disabilities in ECPL.

d. Are there any enabling facilities for staff that have disabilities in ECPL?

|            | Yes | 20% | No | 70% | Other | 10% |

The responses received purported that 20% of respondents say there are no enabling facilities; the other 10% indicated that there are only basics like ramps while the other 70% indicated that there are no facilities for people with disabilities in ECPL.
e. Do people with disabilities have a good quality of life, meaning are they treated with respect?

<table>
<thead>
<tr>
<th>Yes</th>
<th>60%</th>
<th>No</th>
<th>30%</th>
<th>Other: Not sure</th>
<th>10%</th>
</tr>
</thead>
</table>

60% of the responses mentioned that there is respect and quality of life for people with disabilities in ECPL, however there is also room for improvement. 30% opposed that, saying that people with disabilities are not treated with respect while the other 10% of the respondents indicated that they were not sure of how they are treated.

f. Does ECPL meet the disability targets as stipulated in the employment equity regulations?

<table>
<thead>
<tr>
<th>Yes</th>
<th>10%</th>
<th>No</th>
<th>70%</th>
<th>Other: Not aware</th>
<th>20%</th>
</tr>
</thead>
</table>

Only 10% of the respondents agreed that the disability targets were met while 70% were of the opinion that the disability targets were not met. The remaining 20% of the respondents indicated that they were not certain of the current figures.

g. Are the disability legislation/policies implemented in ECPL?

<table>
<thead>
<tr>
<th>Yes</th>
<th>20%</th>
<th>No</th>
<th>60%</th>
<th>Other: Not sure</th>
<th>20%</th>
</tr>
</thead>
</table>

20% of the respondents purport that the disability policies are implemented in ECPL, 60% say the policies are not implemented while the other 20% confessed that they were not sure whether they were implemented or not.
h. Do you know of any disability legislation?

<table>
<thead>
<tr>
<th>Yes</th>
<th>40%</th>
<th>No</th>
<th>60%</th>
<th>Other: Don’t know</th>
</tr>
</thead>
</table>

Amongst the sample, 40% of the respondents are aware of the disability legislation and 60% are not familiar to any pieces of legislation.

i. Are the employment practises specific towards attracting people with disabilities

<table>
<thead>
<tr>
<th>Yes</th>
<th>20%</th>
<th>No</th>
<th>70%</th>
<th>Other: Not sure</th>
<th>10%</th>
</tr>
</thead>
</table>

A minimum of 20% indicated that the employment practices do attract people with disabilities, while 70% indicated that they are not explicit. Some respondents added that the disability programs are forgotten especially when it comes to staff. 10% responded that they were not sure.

j. Has ECPL succeeded in attracting people with disabilities?

<table>
<thead>
<tr>
<th>Yes</th>
<th>-</th>
<th>No</th>
<th>80%</th>
<th>Other: No response</th>
<th>20%</th>
</tr>
</thead>
</table>

80% of the responses were of the opinion that the employment practices have not succeeded in attracting people with disabilities. Some comments indicated that the people with disabilities that work for ECPL were a result of ill health and were not deliberately appointed. 20% did not respond to the question.

Table 4.3.2 below is the profile of respondents who are the administration personnel of ECPL. 50% of the respondents are in the Integrated Human
Resources Management (IHRM) directorate. The rest are in different directorates like finance who are responsible for budgeting, communication as well as the majority union, the National Education and Health Allied Workers Union (NEHAWU). It must also be noted that the majority of the respondents have a post grad qualification with a reasonable work experience.

Table 4.3.2 A profile of the administrative staff respondents

<table>
<thead>
<tr>
<th>No</th>
<th>Name &amp; Surname</th>
<th>Position</th>
<th>Gender</th>
<th>Race</th>
<th>Age</th>
<th>Unit</th>
<th>Qualification</th>
<th>ECPL Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ms T. Mpako</td>
<td>Senior Manager: IHRM</td>
<td>Female</td>
<td>Black</td>
<td>47</td>
<td>HRM</td>
<td>Bachelor of Arts</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Mr M. Mncameleni</td>
<td>Unit Manager: Appointments</td>
<td>Male</td>
<td>Black</td>
<td>42</td>
<td>HRM</td>
<td>Bachelor of Public Administration</td>
<td>11</td>
</tr>
<tr>
<td>3</td>
<td>Mr M. Sobili</td>
<td>Senior Manager: Finance</td>
<td>Male</td>
<td>Black</td>
<td>49</td>
<td>Finance</td>
<td>Short courses in Financial Management</td>
<td>13</td>
</tr>
<tr>
<td>4</td>
<td>Ms Z. Tom</td>
<td>HR Practitioner</td>
<td>Female</td>
<td>Black</td>
<td>34</td>
<td>Finance</td>
<td>Honours: Industrial Psychology</td>
<td>13</td>
</tr>
<tr>
<td>5</td>
<td>Mr Q. Mafuya</td>
<td>Legal advisor</td>
<td>Male</td>
<td>White</td>
<td>54</td>
<td>Legal</td>
<td>B. Proc LLB</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>Ms N. Sibane</td>
<td>Researcher</td>
<td>Female</td>
<td>Black</td>
<td>46</td>
<td>Research</td>
<td>Honours: Public Administration</td>
<td>14</td>
</tr>
<tr>
<td>7</td>
<td>Ms E. Goodrum</td>
<td>Language interpreter</td>
<td>Female</td>
<td>White</td>
<td>35</td>
<td>Hansard</td>
<td>Senior Certificate</td>
<td>11</td>
</tr>
<tr>
<td>8</td>
<td>Ms N. Makuluma</td>
<td>Senior HRD Practitioner</td>
<td>Male</td>
<td>Black</td>
<td>46</td>
<td>HRM</td>
<td>Bachelor of Administration</td>
<td>13</td>
</tr>
<tr>
<td>9</td>
<td>Ms N. Mdleleni</td>
<td>Wellness Practitioner</td>
<td>Female</td>
<td>Black</td>
<td>30</td>
<td>HRM</td>
<td>Honours of Public Administration</td>
<td>2</td>
</tr>
<tr>
<td>10</td>
<td>Mr M. Nkwali</td>
<td>Chairperson of NEHAWU</td>
<td>Male</td>
<td>Black</td>
<td>41</td>
<td>HRM</td>
<td>Senior Certificate</td>
<td>15</td>
</tr>
</tbody>
</table>

The table above indicated that the respondents have the necessary academic qualification to make meaningful contribution to the study. There is also representatively in terms of gender, but because The Eastern Cape Province is predominantly Xhosa speaking, the majority of the respondents are blacks and Xhosa speaking.
4.3.1.3 Responses from the public

The questionnaires to the public were distributed in a number of ways because the researcher wanted to reach out to people who have a personal experience of the facilities of ECPL. The questionnaires were hand delivered and some were sent via email, the responses were emailed back, faxed and some were hand delivered. Of the questions that were asked, the responses were as follows:

a. Is the ECPL environment accessible to people with disabilities?

<table>
<thead>
<tr>
<th>Yes</th>
<th>40%</th>
<th>No</th>
<th>50%</th>
<th>Other: Yes and No as some parts are not accessible</th>
<th>10%</th>
</tr>
</thead>
</table>

40% of the respondents purported that the environment is accessible although there is a need for improvement while the other 50% opposed the idea. There are also 10% of the respondents who see the environment as partially accessible as there is a lift in one block, ramps as well as special parking zones. The feeling was that not all parts of the building were accessible.

b. Is there a need to improve accessibility in ECPL?

<table>
<thead>
<tr>
<th>Yes</th>
<th>80%</th>
<th>No</th>
<th>20%</th>
<th>Other</th>
<th>-</th>
</tr>
</thead>
</table>

The majority of the responses agreed that there is a high need to improve the current situation at the rate of 80%, 20% see no need to do so.
c. Does the ECPL environment encourage participation by the public and people with disabilities in events like the parliament for the disabled/children?

<table>
<thead>
<tr>
<th>Yes</th>
<th>30%</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>60%</td>
</tr>
<tr>
<td>Other</td>
<td>10%</td>
</tr>
</tbody>
</table>

30% of the respondents indicated that the environment encourages participation while 60% said it doesn’t. There is 10% that seeks to encourage the participation of the public by hiring sign language interpreters and having brailed documents.

d. Would you encourage people with disabilities to come to ECPL?

<table>
<thead>
<tr>
<th>Yes</th>
<th>70%</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>30%</td>
</tr>
<tr>
<td>Other</td>
<td>-</td>
</tr>
</tbody>
</table>

The majority of 70% respondents mentioned that they would work for ECPL. Some reasons were based on the benefits offered and status attached to the institution. Some further indicated that they would, although they would experience difficulty if they were disabled. The other 30% indicated that they wouldn’t because of the stairways.

e. Did you find the committee rooms and other facilities user – friendly?

<table>
<thead>
<tr>
<th>Yes</th>
<th>60%</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>30%</td>
</tr>
<tr>
<td>Other: No response</td>
<td>10%</td>
</tr>
</tbody>
</table>

60% purported that the facilities are user- friendly, mention was made of the newly renovated Chamber with the state of the art facilities that accommodate all people. 30% indicated that the committee rooms are not friendly because there are no hearing aids, while only 10% did not respond to the question.
f. If the facilities are not user friendly, would you raise the concerns with ECPL leadership?

| Yes | 80% | No   | 10% | Other | 10% |

80% mentioned that they would raise the matter with people in power, 10 percent indicated that they would not. The rest of the respondents that is 10% also indicated that they would not raise the matters with ECPL leadership because they would not do anything about it anyway.

g. Are the employment practises attractive to people with disabilities?

| Yes | 40% | No   | 40% | Other: Don’t know | 20% |

40% indicated that the employment practises are attractive while the other 40% gave an indication that they are not attractive to people with disabilities. 20% of the respondents did not know.

h. Are there people with disabilities that you know of in ECPL?

| Yes | 80% | No   | 20% | Other | - |

80% of the respondents indicate that there are people with disabilities; some indicated that they may not know the numbers as some disabilities are not visible. 20% indicated that there are no people with disabilities that they know of.
i. Would you work for ECPL?

<table>
<thead>
<tr>
<th>Yes</th>
<th>60%</th>
<th>No</th>
<th>30%</th>
<th>Other: only when able</th>
<th>10%</th>
</tr>
</thead>
</table>

60% indicated that they would work for ECPL and those who further explained base the attraction of other factors that exclude access to facilities. 30% would not and the other 10% stated that they would work for ECPL because it is a highly politicised environment.

j. If yes, how would you improve the accessibility?

<table>
<thead>
<tr>
<th>Yes</th>
<th>80%</th>
<th>No</th>
<th>20%</th>
<th>Other:</th>
<th>-</th>
</tr>
</thead>
</table>

The majority of people indicated that they would improve the situation at 80%, they added that they would use education and awareness sessions. 20% indicated that they would not improve the situation as it does not affect them.

4.4 Conclusion

It can be deduced from the responses of both the staff and the MPLs of ECPL that they are not familiar with the subject of disabilities. It became clear that staff and MPLs are treated differently within the institution. It is purported that the policies and the regulations are not known by both staff and MPLs, hence non compliance.

It became clear that the public representatives conduct oversight over the government departments and not in ECPL; this leaves ECPL escaping compliance with legislation as there is no one to monitor them. Law making institutions like ECPL should lead by example, and respect the dignity of the
people including people with disabilities. This would result in more public participation as the disabled persons form part of the marginalised groups who are not given a fair chance to participate in the legislature programs. Chapter 5 will be the concluding Chapter which will also provide the findings of the study and recommendations thereof.
CHAPTER 5

FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The aim of the survey was to evaluate the implementation of the disability policies in the Eastern Cape Provincial Legislature during the 2007/08 financial year. The analysis and interpretation of the data was made and the findings will be presented according to the three different groups of the respondents, the MPLs, staff and the general public. An undertaking was made to avail the findings to ECPL with the purpose of evaluating the implementation of disability policies and make innovations where necessary. This would in turn improve service delivery through public participation. In this way, disabled persons will be afforded an equal opportunity to participate in ECPL programs.

Below, the study provides suggestions of what can be done with effect from the next financial year regarding the implementation of the disability policies. This includes policy formulation, staffing, improving recruitment practices and so on.

5.2 Findings from all the responses

These are the findings that were extracted from the data collected from the responses of the MPLs of Eastern Cape Provincial Legislature, the administration staff of ECPL as well as the public. It must be noted that the purposive sampling utilised presiding officers, these being the MPLs who are political leadership who rule, and guide towards achieving the goals of the entire institution.
5.2.1 The findings from the responses of MPLs

a. The disability policy covers only MPLs and excludes staff of ECPL.
b. There is one MPL that has a visible disability in ECPL, there were about three in the last term.
c. The enabling facilities are supportive towards ensuring the full participation by people with disabilities but there is room for improvement.
d. ECPL doesn’t have a budget that is meant to improve accessibility of the facilities because the building is owned by the Department of Public Works. ECPL leadership can however influence the decision towards having a budget that will be used towards improving accessibility.
e. Very few MPLs indicated that they have the knowledge of the disability legislation, those who knew about the disability legislation made mention of Chapter 2 of the constitution of the Republic of South Africa which enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom.
f. In ECPL there is a Portfolio Committee on youth, gender, the elderly and the disabled. The chairperson of the committee is Ms N. Gqiba. It conducts oversight over the government departments; the Office of the Premier plays a monitoring and evaluation role towards ensuring that the programs are implemented by the different provincial government departments.
g. There is minimum participation by people with disabilities in ECPL; the indication was that the building was not user-friendly. However the Chamber has recently undergone a major renovation and improved accessibility with the purpose to encourage participation by people with disabilities.
5.2.2 Findings from the responses of the administration staff

These are the findings from data that was gathered from the responses of the administration staff of the Eastern Cape Provincial Legislature.

a. The administration staff also knows of a MPL disability policy that excludes the administration staff.

b. What the disability policy entails is unknown by the majority of staff. Very few people indicated to have knowledge of what the policy entails as they don’t work directly with the MPLs. The few are from the Human Resources Management section as they work with the members benefits.

c. There are people with disabilities amongst the administration staff of ECPL, however there are no managers with disabilities. It is clear that disabled persons are seriously under represented in the ECPL workforce.

d. The facilities are not accessible as there is only one block against the six that has a lift. The newly renovated Chamber is accessible but there isn’t much business for staff to perform in the Chamber except for the service officers who support the MPLs during the house sitting.

e. The staff of ECPL who have disabilities experience good quality of life because the organisational culture is dominated by the spirit of ubuntu. There is a need to improve accessibility as this will attract more people with disabilities to the institution.

f. Disabled employees gave a relatively high rating to ECPL as an employer compared to other employers. They also stated that they have all received training within the legislature through generalised programmes, but feel that there should be more focus on disability issues and skills development as well as a more coherent planning of skills development.

g. The disability legislation is known but not well implemented. There is a need to familiarise and empower the management and staff of ECPL.
about their rights. Accessibility and reasonable accommodation to them means ramps and parking bays.

h. The employment practices do attract people with disabilities but they are not explicit as they state that “ECPL is an equal opportunity employer”.

i. It is clear that ECPL has not succeeded in attracting people with disabilities. The staff that has disabilities were not consciously appointed and some became disabled through ill health while they were already in the employment by ECPL.

5.2.3 Findings from the responses of the public

It must be noted that the data was collected from respondents who have experienced the ECPL premises including people with disabilities. The findings were as follows

a. The facilities are accessible because there are ramps and special designated parking areas for people with disabilities. Some renovations are currently taking place but they are not specifically addressing accessibility. The new buildings seem to be quite modern and user friendly to the disadvantaged groups which include the disabled and the elderly persons.

b. People with disabilities often experience discomfort and are discouraged to come to ECPL because some areas are not accessible. The people of ECPL are always willing to assist where necessary.

c. The committee rooms are user friendly; however there are areas that need attention like the bathroom doors and use of tools like hearing aids towards improving the situation.

d. People can be invited but for those who have disabilities it would depend on the nature of the disability because the buildings have steep stairways.
The building is approximately thirty years old and it was built during the time when the policies of the previous government did not pay attention to the needs of disabled persons as their plight was not yet realised to be an issue.

e. There is malicious compliance on employment regulations like the Employment Equity Act as ECPL has meets the minimum employment equity target of two percent.

f. The disabled persons who work for ECPL are scarred to voice out their needs in fear of victimisation and job loss. Some who started to be active did not get much attention from within and decided to quite. Those who are in lower positions are unaware of their rights.

g. People would work for ECPL for reasons that are not related to what it provides the disabled persons but because it is alleged to be paying comparatively good salaries and is an institution that has status compared to government departments.

h. The people with disabilities would not work for ECPL because the environment is not accessible to the disabled.

5.3 Recommendation made from the findings

The recommendations come against a background where South Africa has taken a leading role in the development of disability policies and legislation that guarantees the rights and needs of disabled persons.

5.3.1 Enforcing compliance with regulations

The presiding officers are the senior political leadership who are decision makers of ECPL. They should ensure that the institution is not only compliant in so far as disability policy implementation is concerned but that they also lead
the process as agents of change. Disability should be mainstreamed in all policies and laws made in the legislatures.

5.3.2 Training sessions and workshops

MPLs should be exposed to sufficient induction and sensitisation towards disability programs; this would add value to their ability to monitor disability issues as they mentioned that they were unaware of disability legislation or how disability issues can be mainstreamed in policy, monitoring and oversight.

There is a need to workshop public representatives and senior management towards crafting a policy framework and an implementation plan on disabilities so that they can adopt a uniform way to deal with the matter.

5.3.3 Access to facilities

The Department of Public Works that owns the building should prioritise making renovations towards ensuring that the building is accessible. This is one of the ways of attracting people with disabilities to work for ECPL and to participate in institutional programs. ECPL administration should budget for gadgets like hearing aids and computer software for the blind towards improving access. The availability of such facilities would attract more professionals with disabilities as they will easily adjust to the work environment and perform at the best of their ability.

5.3.4 Improvement in human resources

There must be emphasis on the improvement in human resources through the employment of disabled persons as part of the enforcement and implementation
of policies and legislation. It would be an advantage to have disabled MPLs and managers who can influence the decisions and lead the process of ensuring that the program is run effectively and efficiently. There should be a drive to reach, and then exceed equity targets and bring in other types of disability, not only physical disability.

### 5.3.5 Special programs function and location

There is an urgent need to create a special programs unit whose mandate will be to promote the rights of the people in the country and affirm the democratic values of human dignity, equality and freedom. The staff of the special programs unit would ensure that there are policies in place, there are training programs to ensure that the different directorates do their bit towards accessibility and conduct campaigns as a useful platform for highlighting the plight of marginalised groups.

The function must be located either in the Speaker’s office or in the office of the Secretary to the Legislature. These are the highest decision making offices in ECPL which have authority over other directorates.

### 5.3.6. Monitoring and evaluation of the special programs

A special programs unit must be created whose functions will be to enforce the implementation of the equity regulations. The unit will also ensure that that there is no unfair discrimination directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture and language. The oversight should be extended to the monitoring and evaluation of the special programs in the same fashion as what is done in the government departments.
5.3.7 Active involvement and participation of disabled persons

There must be promotion, active involvement and participation of disabled persons within the legislative environment. This can be done through the preferential treatment on procurement processes, a special invitation can be extended to the disabled people when there are institutionalised days even if it means forging partnerships with the rehabilitation institutions.

5.3.8 Affiliations and intergovernmental relations

ECPL should join the provincial structures that deal with special programs towards sharing and learning. Study tours must be made with other legislatures as there may be other specific needs for disabled persons. Good experiences can be drawn nationally and internationally as some countries have interesting success stories on involving disabled people towards improving service delivery while maintaining human dignity.

5.4 Conclusion

South Africa has some of the most comprehensive legislation and policy protecting and promoting the rights of disabled people in the world and disabled people are involved at all levels of government. The positive policy environment in South Africa presents unique opportunities for disabled people to address issues such as poverty alleviation, high levels of unemployment, education of children and youth with disabilities.

In the new term of the legislature, ECPL has taken a more representative approach as there are MPLs who represent the needs of the youth and the needs of the unions who are the greatest support structures of the ruling party, the
African National Congress. Political leadership should also encourage the active participations of people with different disabilities in line with the legal prescripts.
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