

DEFINITION OF PEOPLE WITH DISABILITIES

5.1 Definition of persons with disabilities under the act

The scope of protection for people with disabilities in employment focuses on the **effect of a disability on the person in relation to the working environment**, and not on the diagnosis or the impairment.

People are considered as person with disabilities who satisfy all the criteria in the definition:

- i. Having a physical or mental impairment;
- ii. Which is long term or recurring; and
- iii. Which substantially limits their prospects of entry into, advancement in employment.

5.1.1 Impairment

- i. An impairment may either be physical or mental or a combination
- ii. Physical impairment means a partial or total loss of a bodily function or part of the body .It includes sensory impairments such as being deaf, hearing impaired, or visually impaired.
- iii. Mental impairment means a clinically recognized, condition or illness that affects a person's thought processes, judgment or emotions

5.1.2 Long-term or recurring

- i. **“Long-term”** means the impairment has lasted or is likely to persist for at least twelve months
- ii. **“Recurring impairment”** is one that is likely to happen again and to be substantially imitating (see below). It includes a constant chronic condition, even if its effects on a person fluctuate.
- iii. **“Progressive conditions”** are those that are likely to develop or change or recur. People living with progressive conditions or illnesses are considered as people with disabilities once the impairment starts to be substantially limiting. Progressive or recurring conditions which have no overt symptoms or which do not substantially limit a person are not disabilities.

5.1.3 Substantially limiting

- i. Impairment is substantially limiting if, in its nature, duration or effects, it substantially limits the person's ability to perform the essential functions of the job for which they are being considered.
- ii. Some impairment are so easily controlled, corrected or lessened that they have **no limiting effects**. For example. a person who wears spectacles or contact lenses the person vision is substantially impaired.
- iii. An assessment to determine whether the effects of impairment are substantially limiting, must consider if medical treatment or other devices would **control or correct** the impairment so that its adverse effects are prevented or removed.
- iv. For reasons of **public policy** certain conditions or impairment may not be considered disabilities. These includes but are not limited -
 - a) Sexual behavior disorders that are against public policy
 - b) Self-imposed body adornments such as tattoos and body piercing
 - c) Compulsive gambling. Tendency to steal or light fires
 - d) Disorders that affect a person's mental or physical state if they are caused by current use of illegal drugs or alcohol, unless the affected person is participating in a common personality traits.
 - e) Normal deviations in height, weight and strength; and conventional physical and mental characteristics and common personality traits.
 - f) A suitably qualified person may do an assessment if there is uncertainty as to whether impairment may be substantially limiting.

DISABILITIES

- ✓ ALBINISM (VISUAL IMPAIRMENT)
- ✓ AMPUTATIONS (UPPER & LOWER)
- ✓ ARTHRITIS
- ✓ BRACHIAL PLEXUS INJURIES
- ✓ BRITTLE CONE DISEASE
- ✓ CEREBRAL PALSY
- ✓ CONGENITAL DEFORMITIES
- ✓ DWARFISM
- ✓ EPILEPSY
- ✓ HEARING IMPAIRMENTS
- ✓ LEARNING DIFFICULTIES AND DYSLEXIA
- ✓ MEDICAL DISABILITIES
- ✓ MUSCULAR DYSTROPHY
- ✓ NEUROLOGICAL
- ✓ ORTHOPAEDIC INJURIES
- ✓ OSTEOGENESIS IMPERFECTA
- ✓ PARAPLEGIA
- ✓ PARTIAL PARALYSIS (PARAPARESIS)
- ✓ PHYSICAL DISABILITIES
- ✓ POLIOMYELITIS
- ✓ PSYCHIATRIC DISORDER
- ✓ QUADRAPLEGIA
- ✓ SCOLIOSIS
- ✓ SPEECH DISABILITIES
- ✓ SPINA BIFIDA
- ✓ STROKES
- ✓ TRAUMATIC HEAD
- ✓ VISUAL IMPAIRMENT