



UNIVERSITY OF THE  
WITWATERSRAND,  
JOHANNESBURG

## POLICY DOCUMENT

# Policy on the Workplace Inclusion of Employees with Disabilities

Version No. 3.0

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<b>Policy Title</b>	Policy on the Workplace Inclusion of Employees with Disabilities
<b>Policy Officer</b>	Head of Disability Rights Unit
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## 1. CONTEXT / BACKGROUND

- 1.1. The University commits to the principles espoused in the Bill of Rights as enshrined in the Constitution of South Africa and the United Nations Conventions on the Rights of Persons with Disabilities.
- 1.2. The University commits to redress the historical marginalisation of persons with disabilities in South Africa by implementing appropriate measures to eliminate prejudice and discrimination, thereby contributing to a democratic vision of respecting the human rights of all employees.
- 1.3. In pursuing the goal of diversifying the workplace and enhancing a culture of inclusivity, the University shall affirm the human rights of persons with disabilities to fair labour practice, open, inclusive and accessible work environments, equality and dignity.
- 1.4. Given these imperatives, the University reviewed the Policy on the Employment and Advancement of Persons with Disabilities to align with the ideals espoused in the South African Constitution, legislation promulgated thereunder, and the UN Conventions relating to equality of treatment, open and accessible work environments, and upholding of human rights.

## 2. DEFINITIONS

Words that appear in bold have a specific meaning or definition, as explained below:

- 2.1. “**Disability**” is defined according to the Employment Equity (EE) Act and the Code of Good Practice on Employment of Persons with Disabilities (“the Code”). An employee with a Disability must meet all the criteria below:
  - 2.1.1. Having an impairment;
  - 2.1.2. Which is long-term or recurring; and
  - 2.1.3. Which substantially limits their prospects of accessing or advancing employment and/or their ability to perform the inherent requirements of their job without any form of reasonable accommodation.
- 2.2. “**Affirmative Action Measures**” are measures designed to ensure that suitably qualified persons, including persons with disabilities, have equal employment opportunities, open access to the University environments and are equitably represented across occupational categories and levels in the University’s workforce;

- 2.3. **“Degenerative disabilities”** are the result of a continuous process based on degenerative cell changes affecting tissues or organs, which will increasingly deteriorate over time.
- 2.4. **“Employees”** include applicants for the job and refer to the various categories of employees as applied throughout the University, namely full-time continuous, full-time fixed period, part-time continuous, and part-time fixed period.
- 2.5. **“Employees with disabilities”** is defined in the Employment Equity Act, 55 of 1998, as amended, as persons who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into or advancement in employment. For purposes of applying this Policy, all types of disability shall be included.
- 2.6. **“Reasonable accommodation”** is defined in the Employment Equity Act, 55 of 1998, as amended, to be any modification or adjustment to a job or the working environment that will enable a person from a designated group (i.e. employees with disabilities) to have access to or to participate or advance in employment. Every effort will be made to ensure that these measures are implemented for the mutual benefit of both the employee and the University.
- 2.7. **“Short-term disabilities”** are temporary disabilities that indicate that the employee does eventually get better but is temporarily incapacitated for a period not exceeding 90 days.
- 2.8. **“Technical Assistance Guidelines (TAG)”** refer to the guidelines on the employment of persons with disabilities published under the Employment Equity Act, 55 of 1998, as amended.
- 2.9. **“Unjustifiable hardship”** pertains to a reasonable accommodation action that is considerably difficult or expensive to implement. This involves, *inter alia*, considering the effectiveness of the reasonable accommodation and the extent to which it would seriously disrupt the operation or result in unsustainable costs for the University.

### 3. PURPOSE

This policy aims to promote a socially inclusive, open, and accessible workplace in the best interests of safeguarding the human rights and dignity of persons with short-term or long-term disabilities by:

- 3.1. Making reasonable efforts to provide an enabling and barrier-free environment for employees with disabilities, including anti-discrimination and awareness programmes for all employees.
- 3.2. Determining and implementing reasonable accommodation measures, which are intended to enable employees with disabilities to perform their job functions optimally and to realise their full potential throughout their employment cycle.

### 4. SCOPE

- 4.1. This Policy shall apply to all categories of University employees as defined in paragraph 2.4 above.
- 4.2. The Policy shall inform the implementation and review of all HR Policies of the University and shall be implemented in conjunction therewith.

- 4.3. The scope of application of this policy does not extend to joint staff or staff of University-owned entities unless the University pays their remuneration.
- 4.4. The policy does not apply to sessional, honorary, and visiting staff.

## 5. LEGISLATIVE AND POLICY FRAMEWORK

This policy must be read in conjunction with other relevant University HR policies, including the Anti-Discrimination Policy and Procedure, the Management of remote working on an exceptional basis practice note, and the relevant provisions of the following legislation, code and convention:

- 5.1. The Constitution of the Republic of South Africa, 1996, enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom. In upholding these rights to achieve an equal and just society, the Constitution prohibits unfair discrimination on the basis of, *inter alia*, disability.
- 5.2. Employment Equity Act, 1998 (EEA), as amended, prohibits unfair discrimination and directs employers to implement affirmative action measures to ensure workplace diversity and inclusion, with due regard for unjustifiable hardship.
- 5.3. Code of Good Practice on Persons with Disabilities in the Workplace, promulgated under the EEA to guide employers and employees in promoting equal opportunities and fair treatment of people with disabilities.
- 5.4. Technical Assistance Guidelines on the Employment of People with Disabilities provides guidelines on the elimination of unfair discrimination and implementation of affirmative action measures in the workplace.
- 5.5. Protection of Personal Information Act 2013 (POPIA) gives effect to the Constitutional Right to Privacy by safeguarding personal information when collected, shared and destroyed by a responsible party.
- 5.6. Article 27 of the United Nations Convention on the Rights of Persons with Disability provides for the recognition of the right of persons with disabilities to:
  - 5.6.1. work on an equal basis with others.
  - 5.6.2. enjoy the opportunity to gain a living by work freely chosen or accepted in a labour market and;
  - 5.6.3. a work environment that is open, inclusive and accessible.
- 5.7. Broad-Based Black Economic Empowerment (BBBEE) Act, 53 of 2003, empowers the Minister to issue codes of good practice that may set qualification criteria and indicators to determine BBBEE rating for preferential procurement purposes.
- 5.8. Labour Relations Act 66 of 1995 enshrines a code of good practice for fair dismissals (Schedule 8).
- 5.9. Compensation for Occupational Injuries and Diseases Act, 130 of 1993, intends to provide for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment or for death resulting from such injuries or diseases and to provide for matters connected therewith.

## 6. PRINCIPLES

- 6.1. **Confidentiality** of profile records and disclosure of documentation shall be protected and maintained as per the prescripts of the POPIA. A person's disability status may be disclosed to third parties only with the written informed consent of the person with the disability. The employee must reconfirm throughout or may voluntarily withdraw such consent at any stage of the medical and functional assessments as may be performed in the context of this policy.
- 6.2. **Consultation** - The process of identifying and implementing reasonable accommodation measures should involve discussions with different role players, including the person seeking reasonable accommodation.
- 6.3. **Preferential treatment** – Consideration must be given to affirmative action measures and numerical goals/targets when recruiting employees for vacant positions and managing their career incidents. The University gives preference to persons with disabilities in accordance with its Employment Equity Policy and Employment Equity Plan.

## 7. POLICY STATEMENT

- 7.1. The University commits to:
  - 7.1.1. The democratic values of human dignity, equality and fair labour practice as enshrined in the Constitution of South Africa.
  - 7.1.2. Valuing the diversity of its community and creating equal opportunities for all, inculcating a culture that fosters and encourages positive and unprejudiced attitudes towards employees with disabilities throughout their employment cycle.
  - 7.1.3. Being respectful of the ethics and rights related to self-identification of disability and accessibility of its environment.

### Self-identification or Voluntary Disclosure

- 7.2. The University acknowledges and shall uphold the right of employees not to disclose their disability status. However, the University encourages employees to voluntarily disclose their disability status on the EEA1 form to consider the provision of reasonable accommodations.
- 7.3. If an employee voluntarily discloses the status, the University commits to invest every effort to provide reasonable accommodation to the mutual benefit of the employee and itself.
- 7.4. Once disclosed, the University commits to protect the privacy and confidentiality of an employee's disability status and undertakes to use the information only for purposes of compliance with the Broad-Based Black Economic Empowerment Act and Employment Equity Act and to implement reasonable accommodation in the workplace.
- 7.5. Information disclosed by the employee may be shared only with authorised practitioners appointed by the University with the employee's written informed

consent, subject to the applicable provisions of the Protection of Personal Information Act (POPIA), Act No. 4 of 2013, as amended.

- 7.6. To ensure that disability disclosure is optimised and appropriate support is provided to the employee with disabilities, the University shall invest in anti-discriminatory programmes for all employees and line managers, in partnership with relevant internal professionals or recognised service providers. Unless the disability is self-evident, the University shall not be held liable for any failure to comply with the provisions of this Policy in the event of a person with a disability failing to disclose their status.
- 7.7. Notwithstanding the implication of paragraph 7.6 of this Policy, the University shall meet its obligation to ensure universal accessibility of employees with disabilities.

## Affirmative Action Measures

- 7.8. To optimise equal opportunities for employees with disabilities, the University shall implement affirmative action measures, focusing on efforts to reasonably accommodate employees with disabilities.
- 7.9. As part of EE planning processes, the University shall set numerical goals and implement preferential treatment to achieve equitable representation of employees with disabilities across occupational categories and levels.
- 7.10. The University will consider affirmative action measures for employees with disabilities throughout their employment cycle, i.e. from recruitment, selection, placement, development, promotion, and job retention.
- 7.11. In considering these measures, the screening or selection committee must first assess whether the employee is appointable or promotable using the inherent job requirements as per the advertisement, job description or conditions of service.
- 7.12. Through the DVC Systems and Operations Portfolio, the University shall ensure that the work environment is open and accessible for employees with disability, as well as ensure that the allocation of parking spaces is practical.

## Reasonable Accommodation Measures

- 7.13. All efforts to implement reasonable accommodation measures aimed at ensuring the day-to-day functioning of employees with disabilities shall be invested as follows:
  - 7.13.1. Throughout the employment cycle, including the recruitment process (deciding to or not to employ).
  - 7.13.2. When deciding on career progression and training.
  - 7.13.3. In communicating to employees with disabilities.
  - 7.13.4. For purposes of occupational health and safety decisions, including the demarcation of parking spaces, providing access to privately arranged transportation and progressively making the campus accessible.
  - 7.13.5. As a means to avoid employment termination such as incapacity and/or boarding decisions.

## Short-term and Degenerative Disabilities

- 7.14. In the event of an employee acquiring a short-term disability while employed by it, the University commits to retain their accumulated expertise and experience by:
  - 7.14.1. consulting with employees who acquire a short-term disability in the process of assessing appropriate and mutually beneficial reasonable accommodation measures.
  - 7.14.2. considering early return-to-work measures, guided by a registered medical practitioner or functional expert, aimed at ensuring job security for the individual.
- 7.15. Developing and implementing a functional rehabilitation programme for the employee, with the assistance of a registered medical and/or functional expert(s) to be appointed and paid by the University following its procurement processes. In the event of employees whose short-term disability status progressively impacts on their ability to perform work or who have been assessed as having a permanent disability through medical and functional assessment processes, the University shall consult employees to assess any additional or amended reasonable accommodation measures that could be appropriate to promote skills retention.
- 7.16. The University recognises that some disabilities may result in incapacity, which shall be managed through appropriate procedures as defined in the Labour Relations Act, 66 of 1995, as amended.

## 8. PROCEDURE

### Self-identification or Voluntary disclosure

- 8.1. The employee who intends to disclose their disability status for purposes of either statistical compliance or reasonable accommodation should complete an EEA1 form and submit it to the relevant HR Office.
- 8.2. Disclosure of disability status documents will be confidentially kept together with general personnel records and will be used only for statutory reporting and/or in efforts to implement beneficially mutual reasonable accommodation measures.
- 8.3. At its own costs, the University may seek an independent medical or functional expert opinion on any disclosures made by employees seeking reasonable accommodation and/or undergoing incapacity processes. The University will consult with employees as appropriate.

## Reasonable Accommodation

8.4. Employees with disabilities requesting reasonable accommodation must complete and submit 'A request for Reasonable Accommodation form' via the relevant HR office to the DRU's Academic and Facilities Access Coordinator. The form is available online through the University's Intranet portal.<sup>1</sup>

8.4.1. The request must be accompanied by the following documents:

- a) A letter from HR confirming their disability which is provided once an EEA1 form is completed.
- b) A jointly consulted motivation of the employee and the line manager citing the extent to which the measure requested would enable the employee to optimise the performance of assigned duties. Such motivation must be supported by preliminary medical reports by the employee.
- c) Written consent from the employee for the University to conduct a medical or functional assessment by medical and/or functional experts, appointed and paid by the University. In the event that an employee withdraws consent, the assessment process shall be terminated, and no further consideration of reasonable accommodation measures shall ensue.

8.4.2. Upon receiving the documents mentioned above, the DRU shall approach the appointed medical or functional experts to review the reasonable accommodation request. The purpose of such a review would be to determine the needs of the employee and the University, including consultation by way of interviews with the individual concerned and the line manager.

8.4.3. In providing reasonable accommodation, the following actions shall be performed by the line manager, assisted by the relevant HR Office, Transformation and Employment Equity Office (TEEO) and the DRU:

- a) Reasonable removal of the barriers to performing the essential function of the job for a person who is otherwise qualified.
- b) Reducing the impact of a person's impairment on their capacity to perform the allocated responsibilities.
- c) Ensuring that the employee with a disability will enjoy equal access to benefits and opportunities in employment.
- d) Facilitating an open and accessible work environment, as well as practical parking arrangements and permission for access onto campus by privately arranged transportation of employees with disabilities.

8.4.4. The type of reasonable accommodation required would depend on the needs of the employee, the University, and the nature of the work environment. Reasonable accommodation measures may include:

- a) Flexi-time arrangements, in consultation with the line manager.

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<sup>1</sup> VOLUNTARY DISABILITY DISCLOSURE FOR APPLICATION FOR WORK REASONABLE ACCOMMODATION FORM

- b) Remote Working, as per the Remote Working Policy of the University.
- c) Additional Sick Leave as per the relevant provisions of the Leave Policy.
- d) Temporary redeployment as per the Temporary Redeployment Policy. Amendment of the employee's contract time by mutual agreement with the line manager. For example, a reduction of time from a 100% contract to a 50% contract.
- e) Modifications of the workspace or the built environment to promote access to the workplace.
- f) Once confirmed by the medical or functional assessments, a staff member may be provided assistive equipment/devices for work-related purposes, through the operational budget of the relevant department/school, notwithstanding the fact that they may be working remotely.

## Recruitment

- 8.5. HR departments shall assist recruiting managers and search committees in determining inherent requirements for vacant positions before these are advertised. These requirements must include the skills and capabilities required for applicants to be considered for appointment.
- 8.6. To ensure accessibility of advertisements and in addition to placing these on the University website, arrangements will be made with all disability organisations to receive and publicise these on accessible platforms. In addition, where possible, adverts will be made accessible for assistive technology software.

## Selection

- 8.7. At all times, selection committees must use objective criteria to determine the suitability and appointability of candidates for vacant positions or *ad hominem* promotion.
- 8.8. As part of the selection process, the University may require candidates for the position to undergo medical or functional assessments to determine needs for reasonable accommodation, at its own expense.
- 8.9. HR must consult with the applicant and the DRU for the performance of medical and functional assessments, which will assist in determining:
  - 8.9.1. reasonable accommodation measures required by the applicant to perform functions of the job;
  - 8.9.2. the effectiveness of the reasonable accommodation measure in relation to the job to be performed;
  - 8.9.3. the extent to which such measures would be beneficial to both the employee and the University.

## Appointment and Placement

- 8.10. In the event that the medical and functional assessments establish a *prima facie* case for the applicant being able to perform the functions of the job, whether with reasonable accommodation measures in place or not, an offer is made, and the relevant probationary conditions shall apply.
- 8.11. An appointment of an employee with a disability may not be made if the medical and functional assessments find that the reasonable accommodation measure would not be beneficial to both the employee and the University.

## Training and Development

- 8.12. As per the established University practice, all newly appointed employees shall undergo orientation and induction training, which must be accessible to all.
- 8.13. To ensure mutual understanding of job expectations between colleagues, line managers and employees with disability, the DRU will, in collaboration with TEEO, develop and implement an anti-discrimination programme for all staff of the University.
- 8.14. Such programme will be incorporated into the menu of the Human Resources Development Unit (HRDU) skills development offerings, including line manager workshops, workshops with colleagues and webinars on updates on the subject matter.
- 8.15. In specifying objectives for probation and performance, parties shall agree on those objectives that take into account the needs of the employee for reasonable accommodation, including but not limited to the following:
  - 8.15.1. Restructuring of the job to ensure non-essential functions are re-assigned.
  - 8.15.2. Adjusting conditions of employment, e.g. flexible working arrangements or working from home provisions according to the Practice note on the Management of remote working on an exceptional basis.
  - 8.15.3. Facilitating appropriate supervision, training and support for competent performance.

## Benefits Administration and Job Retention

- 8.16. The DRU, assisted by Employee Relations (ER) and the Occupational Safety, Health and Environment Office (OHS), will consult with the employee who sustains injury on duty regarding the benefits available and the type of reasonable accommodation measures that may be implemented.
- 8.17. In the event of an employee sustaining an injury in a private capacity (off duty), the DRU, assisted by ER, will consult with the employee on the benefits available and the type of reasonable accommodation measures that could be implemented for optimal job performance and free movement in the workplace.
- 8.18. In consultation with the University-appointed assurer, the DRU, assisted by ER and the Employee Benefits Office, will consult with the employee whose temporary disability or medical condition warrants an application for group

income protection benefits regarding the process. In the event that an employee applies for group income protection benefits, the rules and processes in the university-appointed assurer's policy will apply.<sup>2</sup>

- 8.19. An independent medical and/or functional assessment shall be performed to determine the extent to which the employee can perform the job functions and freely navigate the built environment, at the University's expense on the written consent of the employee. While these assessments are underway, the employee may be considered for additional sick leave as per the University's policy.
- 8.20. In the event that an employee does not consent to the medical and functional assessment, and his or her job performance is consistently assessed as below standard, an incapacity procedure of the University shall be invoked.
- 8.21. In the event of injury on duty impacting the employee's ability to perform the job functions, the reporting requirements and advice as per the Compensation for Occupational Injuries and Diseases Act, shall be observed.
- 8.22. Based on the medical or functional assessment outcomes and recommendations of the relevant expert, the line manager, in consultation with the employee, shall determine an alternative work that the employee could comfortably perform.
- 8.23. The University may also consider an early return to work in the event of an employee being assessed for temporary disability. Such return-to-work shall be on conditions specified in the report by the medical or functional expert. This means that the job shall not be filled until the final assessment has been performed, provided such a process shall not be longer than a year.

## Termination of Employment

- 8.24. In terminating employment, the University shall only follow the procedures for dismissal based on reasons recognised in law.
- 8.25. The University shall facilitate termination counselling with the employee's financial advisor of own choice and the assurer, through which an employee shall be advised of compensation and benefits available upon termination of employment, including Unemployment Insurance.

## Monitoring and Evaluation

- 8.26. The Senior Executive Team (SET) shall record the implementation of this Policy as an objective on the Institutional Score Card, which the University Council shall assess annually.

# 9. ROLES AND RESPONSIBILITIES

- 9.1. The Vice-Chancellor (VC) will be the first point of accountability for the implementation of this Policy.

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<sup>2</sup> [GROUP INCOME PROTECTION POLICY.PDF](#)

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- 9.2. The Senior Director: Human Resources, assisted by the DRU, will be responsible for the development and implementation of processes, procedures and practices across the human resources responsibility areas, which give effect to the provisions of this policy.
  - 9.3. Faculty and Division Heads/Managers will be:
    - 9.3.1. responsible for annually reviewing the representation of employees with disability in occupational categories and levels pertaining to their respective areas of responsibility, and where underrepresentation has been identified, address it as part of the faculty or divisional EE plan.
    - 9.3.2. required to include steps to address underrepresentation in their annual operational plans and reports. These steps will include, *inter alia*, the implementation of an anti-discrimination programme, assisted by the relevant HR Office, DRU, TEEO, and in consultation with the employee.
  - 9.4. The Director: Property and Infrastructure Management Division (PIMD), in consultation with the Director: Occupational Health, Safety and Environment and the Campus Protection Services (CPS), will be responsible for:
    - 9.4.1. the development and implementation of accessibility compliance mechanisms throughout the University;
    - 9.4.2. continuously conducting universal accessibility audits and demarcation of disability parking spaces, as well as authorisation for access of privately- arranged transportation onto campus;
    - 9.4.3. making appropriate budget provisions and progressively removing all physical barriers and accessibility hazards
  - 9.5. All Human Resources managers and practitioners will be responsible for ensuring:
    - 9.5.1. the provisions of this policy are adhered to at all times throughout the human resources value chain, including assisting line managers in implementing anti-discrimination programmes for employees in consultation with the TEEO; and
    - 9.5.2. employees are referred to applicable mental health interventions as determined and provided by the University through service provider agreements.
  - 9.6. The Disability Rights Unit will:
    - 9.6.1. Provide support, guidance and advice to Faculties, Divisions and all employees in relation to the provisions of this policy;
    - 9.6.2. Facilitate referrals and motivate for authorisation of reasonable accommodation requests from employees to the relevant experts or departments, and the resolution of any queries concerning this Policy;
    - 9.6.3. Develop and implement disability advocacy programmes, including anti-discrimination programmes, in consultation with the TEEO; and
    - 9.6.4. Facilitate funding requests for reasonable accommodation of employees, as per advice obtained from experts in the medical or functional assessment processes specified in this policy.
  - 9.7. When an employee needs reasonable accommodation, they are responsible for:
    - 9.7.1. completing an EEA1 form via HR and obtaining a confirmation letter of declaration of disability.
    - 9.7.2. providing notice of the need for reasonable accommodation to their line manager, the DRU and the HR manager. The exact nature of the disability requiring reasonable accommodation must be specified.
    - 9.7.3. providing enough relevant documentation, including medical or functional capacity reports or other supporting documentation and/or consents as

- required to verify the need for appropriate reasonable accommodation measures beneficial to and for identifying their specific accommodation needs.
- 9.7.4. cooperating in identifying and implementing reasonable accommodation measures, including making suggestions and recommendations to meet their needs.
- 9.8. The solution implemented may be a compromise solution between the University and the employee. The reasonable accommodation measure recommended by experts may not be exactly as envisaged by the employee, but it must be effective and functional and achieve the objective of reasonable accommodation in the workplace.
- 9.9. The SET must consider requests for which the operational budgets of departments/schools are unable to accommodate the reasonable accommodation needs of employees, based on the medical and functional assessments specified in this policy.

## 10. DISPUTE RESOLUTION

- 10.1. Decisions taken in terms of this Policy are subject to the dispute resolution processes described herein.
- 10.2. In the event of a dispute arising in respect of any decision on reasonable accommodation taken in terms of this Policy, the employee represented by a fellow employee if desired, and the Deputy Vice-Chancellor (DVC) responsible for Human Resources will meet to resolve the dispute. This meeting must take place within ten (10) days of the - DVC being informed of the dispute in writing.
- 10.3. Should the parties fail to reach agreement on the matter referred for resolution within a period of seven (7) days from the meeting, the employee may escalate the matter to the Vice-Chancellor in an attempt to resolve the dispute within a further fourteen (14) day period.
- 10.4. The VC and the DVC, as appropriate, may request the assistance of the Senior Director: Human Resources and/or the DRU and may request relevant documentation and/or medical reports in attempting to resolve the matter.
- 10.5. In the event that the parties are unable to resolve the dispute within the prescribed periods, the employee shall be entitled to pursue external legal remedies, including the Commission for Conciliation, Mediation and Arbitration (CCMA).

## 11. REVIEW OF THE POLICY

The DRU, in collaboration with HR, will be responsible for reviewing and updating this policy **every three (3) years**.

## 12. VERSION HISTORY

<b>Version</b>	<b>Date</b>	<b>Summary</b>	<b>Approved by</b>
3	18 September 2025	The contents of the Policy on the Workplace Inclusion of Employees with Disabilities, are being reviewed to ensure that reasonable and mutually beneficial efforts are invested towards the inclusion of people with disability within the University structures and environment.	Council