



Code of Policy and Practice for People with Disabilities (COPP)



ADAPTJOBS

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People Behind ADAPT Rights Group



ADAPTJOBS Corporate Code on Disability

Why have a disability code?

It is being increasingly realized that people with disabilities can make valuable contribution to businesses and to the national economy. Studies have shown that disabled people are capable, reliable employees, who often stay in the job longer than other employees. They contribute to productivity, to staff morale and to team spirit in the workplace as a whole.

Employers are playing a more central role than ever before in promoting opportunities for job seekers with disabilities, in retaining workers who acquire a disability while in employment and developing return-to-work-strategies for those who have left the active labour force.

Legislation in India:

The Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995 defines the legal norms related to Education, Employment, Social Security etc for PWDs in India.

The Clause under Chapter VI on Employment, Clause 41 states: The appropriate governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least 5% of their workforce is composed of persons with disabilities.

International Norms and Standards:

Rule number 7 of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the UN General Assembly in Dec 1993 states that 'in both rural and urban areas, they (PWDs) must have equal opportunities for productive and gainful employment in the labor market.'

In support of these trends, the International Labour Organization (ILO) has developed a Code of Practice on Managing Disability in the Workplace, to provide guidance to public and private sector employers in the first instance, and also to employers' organizations, workers' organizations and national authorities on the following topics:

- recruitment of disabled persons
- promotion and advancement of workers with disabilities
- retention of people who acquire a disability

- return to work of people who have left employment due to disability.

The ADAPTJOBS Corporate Code of Disability draws on the experience in disability management of countries throughout the world, gathered through research.

A company needs to have a formal disability code to ensure its capacity of offering people with disabilities equal opportunities as other employees on the basis of their skills and ability to perform the job in India, people with disabilities are usually according the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995. (Appendix 1)

Having a policy on disability in the workplace enables companies to benefit from the potential of disabled workers in a variety of ways. People with disabilities are capable of contributing, provided companies take the trouble to identify areas where the abilities of persons with disabilities can be put to productive use. This is the only way equal opportunity and equal participation can take place as far as employing people with disabilities. It also identifies companies as corporate houses with social commitment. In line with this, we list some suggestions for companies to voluntarily adopt. This is intended to assist employers in developing such a code of policy and practice.

What can be done?

1. It will be important to have the Code of Policy and Practice for People with Disabilities (COPP) in place. This is like the Mission Statement of the company.
2. Employees should be given effective orientation programmes.
3. All departments (HRD, Finance, Research and Development, Administration, etc) should have clear-cut objectives to support people with disabilities.
4. The focus should be on what the person 'can do' and the skills s/he can contribute rather than what is 'wrong' with her/him or what s/he cannot do. This is the social model of disability that is now universally accepted.
5. To enable the company in giving equal opportunities appropriate interviews should be planned for e.g. people with mobility problems need ramps, people with speech problems need a voice synthesizer to communicate, people with hearing problem need

- signage, people with visual problem need Braille symbols and auditory signals in lifts.
6. Appropriate assistance through aids need to be provided.
 7. Transport is key and has to be addressed.
 8. Provide a safe working environment to prevent health hazards and accidents.
 9. It is essential to conduct regular orientation programs for all the staff members/ workers to encourage positive relations between disabled and non-disabled.
 10. Update information about people with disabilities in the Library.
 11. Participate in awareness raising campaigns to sensitize the public.
 12. Be a role model to educate and motivate other employers to follow suit.
 13. Provide access, if not already there and make appropriate adjustments to the workplace and / or employment arrangements in order to enable people with disabilities as required in the fulfillment of their roles.
 14. Support people with disability in areas of consultancy.
 15. Introduce training to enhance technical competence, computer literacy.

In any recruitment year if a vacancy under section 33 cannot be filled up due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy should be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with disability is not available , it may first be filled by interchange among the three categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability.

Disability Etiquette

People with disabilities are just that—people. Everyone has multiple facets to their personalities and different aspects to their lives. Using language that puts the person first is not a matter of political correctness—it acknowledges that people with disabilities are human beings and should not be defined or limited by other’s perceptions of their bodies and minds. For example, instead of ‘the disabled, the

handicapped, one can use people with disabilities; instead of crippled or lame, one can use has a physical disability

Some other rules of disability etiquette:

1. One should avoid asking personal questions about some one's disability. If you must ask, be sensitive and show respect. Do not probe, if the person declines to discuss it.
2. One should be considerate of the extra time it might take for a person with a disability to do or say something.
3. Be polite and patient when offering assistance, and wait until your offer is accepted. Listen or ask for specific instructions.
4. When planning a meeting or other event, try to anticipate specific accommodations a person with a disability might need. If a barrier cannot be avoided let the person know ahead of time.

When speaking or writing about disability...

1. Refer to a person's disability only when necessary and appropriate.
2. Use people first language-- refer to the individual first, then to his or her disability. (It is better to say "a person with a disability," rather than "a disabled person.")
3. The following terms should be avoided in a disability context, because they disempower people or have negative meanings:
 - Invalid, able-bodied
 - wheelchair-bound, victim, crippled
 - defect, suffers from, handicapped, a patient
 - Avoid terms that imply that people with disabilities are overly courageous, brave, special, or superhuman.

When meeting and talking with a person who has a disability...

1. Look at and speak directly to the person with disability rather than through a companion who may be along.
2. A handshake is NOT a standard greeting for everyone. When in doubt, ASK the person whether he or she would like to shake hands with you. A smile along with a spoken greeting is always appropriate.
3. Speak directly to the person with a disability, not just to the ones accompanying him or her.

4. Don't mention the person's disability, unless he or she talks about it or it is relevant to the conversation.
5. Treat adults as adults. Don't patronize or talk down to people with disabilities.
6. Be patient and give your undivided attention especially with someone who speaks slowly or with great effort.
7. Never pretend to understand what a person is saying. Ask the person to repeat or rephrase, or offer him or her a pen and paper.
8. It is okay to use common expressions like "see you soon" or "I'd better be running along."
9. Relax. Anyone can make mistakes. Offer an apology if you forget some courtesy. Keep a sense of humor and a willingness to communicate.
10. When conversing in a group, announce the name of the person to whom you are speaking. Speak in a normal tone of voice, and let it be known when you move from one place to another or when the conversation is at an end.

When meeting someone with a disability that affects learning, intelligence, or brain function...

1. Keep your communication simple. Rephrase comments or questions for better clarity.
2. Stay focused on the person as he or she responds to you.
3. Allow the person time to tell or show you what he or she wants.

When you are with a person who uses a wheelchair...

1. When talking with a person in a wheelchair for more than a few minutes, place yourself at the person's eye level to facilitate conversation.
2. Do not push, lean on, or hold onto a person's wheelchair unless the person asks you to. The wheelchair is part of his or her personal space.
3. Try to put yourself at eye level when talking with someone in a wheelchair. Sit or kneel in front of the person (repetition with 1).
4. Rearrange furniture or objects to accommodate a wheelchair before the person arrives.
5. Offer to tell where accessible rest rooms, telephones, and water fountains are located.

6. When giving directions to a person in a wheelchair, consider distance, weather conditions, and physical obstacles (curbs, stairs, steep hills, etc.)

Talking with a person who is deaf or uses a hearing aid...

1. Do not shout at a hearing impaired person. Shouting distorts sounds accepted through hearing aids and inhibits lip reading.
2. Offer visual clues to hearing impaired persons or audible clues to a visually impaired person.
3. Let the person take the lead in establishing the communication mode, such as lip-reading, sign language, or writing notes.
4. Talk directly to the person, even when a sign language interpreter is present.
5. If the person lip-reads, face him or her directly, speak clearly and with a moderate pace.
6. With some people, it may help to simplify your sentences and use more facial expressions and body language.

When meeting a person with a disability that affects speech...

1. When talking to a person who has speech impairment, listen attentively. Keep your manner encouraging rather than correcting.
2. Pay attention, be patient, and wait for the person to complete a word or thought. Do not finish it for the person.
3. Ask the person to repeat what is said, if you do not understand. Tell the person what you heard and see if it is close to what he or she is saying.
4. Be prepared for various devices or techniques used to enhance or augment speech. Don't be afraid to communicate with someone who uses an alphabet board or a computer with synthesized speech.

Interacting with a person who is blind or has a disability that affects sight or vision...

1. When greeting the person, identify yourself and introduce others who may be present.
2. When greeting a visually impaired person, always identify yourself and others who may be with you (Example: On my right is Ms. Sharma).

3. Don't leave the person without excusing yourself first.
4. When asked to guide someone with a sight disability, never push or pull the person. Allow him or her to take your arm, then walk slightly ahead. Point out doors, stairs, or curbs, as you approach them.
5. As you enter a room with the person, describe the layout and location of furniture, etc.
6. Be specific when describing the location of objects (Example: "There is a chair three feet from you).

Key Issues

1. Accessible Workspaces: Removing Physical Barriers

Universal design is recognition by architects that environment need to be accessible to people with disabilities. The design is useful and marketable to people with diverse abilities. The design accommodates a wide range of individual preferences and abilities. The design can be used efficiently and comfortably, and with a fatigue.

Universal design for an ideal society caters to all individuals, different kinds of abilities and disabilities. Most importantly there should be Universal design in companies everywhere in all spaces of section.

An Accessible or Barrier Free site, building or facility is one that can be approached, entered and used by people with disabilities without extra effort or assistance. It is not necessarily an expensive proposition and simple modifications can make all the difference.

Here is a simple checklist:

- Avoid steps at the entrance or provide ramps alongside.
- Entrances should be wide enough to allow wheelchairs and handles should be accessible by all.
- Fire alarms, sirens etc., should have flashing lights for the hearing impaired.
- Obstacles of any kind should be avoided in walkways. Handrails should be provided throughout the length of ramps and stairs, including at the landing. Braille signs on handrails will help people with visual impairment identify the floor they are on.
- Elevators with automatic doors should have a long enough opening / closing interval.
- Elevators should have tactile or Braille instructions for the communication system and control panels should be accessible.
- Elevators should have announcements of the floors for people with visual impairment.
- The emergency intercom in elevators should be usable without voice communication.
- There should be enough space inside restrooms to maneuver a wheelchair and washbasins should be at an appropriate height.

- Toilets should have grab bars, preferably on both sides.
- Tables should allow for knee spaces for wheelchair users and chairs should have adjustable heights.

It is sensible to use the concept of 'Universal Design' whereby accommodations are built in rather than added as an afterthought. The design is referred to as 'Universal' only because it works best for every other employee as well.

2. Accessible: Transport

Providing transport is emerging as a key issue for disabled people. It is a number one priority for change.

- Due to difficulty of traveling on buses: ramps not working, drivers refusing to use them, buses not close enough to the kerb, wheelchair spaces taken up by other people, buses pulling away before people are in place, problems with other passengers, providing transport becomes critical.
- Companies can help make the workplace accessible to disabled employees by providing transportation to and from the workplace. This can be done in many ways:
 - The company can hire a private car/ taxi/bus to pick up and drop the employees from their residence to the workplace. e.g. BPO
 - Regular plying contract buses running on the routes can be used and with specifications of the diversions in the lanes, by lanes in the existing route these can be made available to the employees. e.g. Mumbai has many private transport companies providing transport to the public
 - The help of public transport* especially the public buses can be made to pick up and drop the employees. An attendant can be appointed to guide the driver about the route and the stops. The bus fare can be revised depending upon the diversions in the route and the mileage covered as compared to the original route No

* This model is based on the successful partnership of The Spastics Society of India (SSI) with B.E.S.T, Mumbai wherein the BEST buses pick up and drop the children studying in the Bandra Centre of SSI. This unique model has 2 exclusive buses plying from Borivali to Bandra and Mulund to Bandra carrying the children to and from their residence to the school.

extra charge need be levied for this service or the company can subsidize the bus fare.

- The company owned bus/car can be made available to the employee at no or nominal cost. e.g. TATA's
- A car pool system can be devised wherein employees with private transport can offer to pick and drop their disabled colleagues and they can contribute towards the fuel costs. The company could address transport issues through an Access Fund.

3. Accessible Workspaces: Removing Technological Barriers

Every employee needs to have equal access to information and the tools required to complete a given task with efficiency and quality.

Depending on the nature of the work, an organization can be creative about accommodating a person's impairment and the solution needn't be expensive or complicated.

Upgrading to a new version of an e-business application, getting a special keyboard for someone with locomotor impairment or Braille software for a blind person are devices that may increase overall productivity tremendously.

Low-tech-devices could include such simple things as a telephone headset, a lap tray, talking watch and calculator, enlarged keyboard etc.

High-tech devices could include power wheelchairs, specialized software, specialized input devices (e.g. touch screens), and other computer equipment.

Use these guidelines before adopting any assistive technology

- It is preferable to have the employees select the technology of their choice.
- Try and pre test the technology before purchasing it to determine its usefulness.
- Low-tech options may just work and you may not need the expensive devices.
- Decide who will assist the employee in learning how to use the technology in the workplace as well as in troubleshooting.

Through making adjustments to enable employees with disability to contribute to the business, the organization learns how to get the best out of every employee by seeing more clearly their individual skills and needs.

4. Accessible Workspaces: Interaction at the Workplace

The use of appropriate 'people-first' language that focuses on the individual rather than on the disability is the first step in developing a normal environment at any place of work.

Reception Etiquette

- Use a normal tone of voice.
- Offer to shake hands.
- For those who cannot shake hands, touch the person on the shoulder or arm to welcome and acknowledge their presence.
- Call a person by his or her first name only when extending that familiarity to all others present.
- Never patronize people using wheelchairs by patting them on the head or shoulder.

Offer assistance in a dignified, respectful manner. Be prepared to have the offer declined.

Inclusive Corporate HR Policies and Code

With the PWD Act 1995 in action from November '96, disability is now much higher on many corporate agendas. Many are looking at disability for the first time and wondering what their role is. The question that comes to mind is whether having an inclusive policy is the answer. It certainly is the first step but making it work is the answer! To implement the Corporate Policy it will be important to have Code of Policy and Practice (COPP) in place.

Below is listed a code of practices that need to be addressed:

- Recruitment – barrier-free online recruitment, equal opportunity statement in advertisements and a selection criteria focusing on skills, knowledge & abilities means assessment and interviews should be identified according to the different abilities.
- To provide equal opportunity all departments should be educated on the different kinds of disabilities and how they can facilitate equal participation learning in different ways.
- Disability Coordinator – a disability coordinator should be in place to whom all people who are disabled or who can become disabled at work go to. This could be a person who is a professional or could also be a disabled person doing this job of coordination with various Departments.
- Career Development/Capacity Building – access to information about promotion opportunities, access to training for disabled persons and disability awareness training for all staff members.
- Work-life Balance – building in the opportunity for individuals to work from home.
- Support Services – Health and safety, flexi hours to enable keeping medical appointments.
- Retention – adjustment to the job environment or modification of the job itself, training and retraining.
- Outsourcing of specific activities to disabled groups/persons
- Communication and Awareness Raising – regular information on company disability strategy, interaction etiquettes etc., and regular feedback from employees, especially those with disability.

To make your policy effective it is important that all employees, disabled and non-disabled are aware of the policy, understand it, and know what they have to do to make it work. Otherwise the policy is just a piece of paper!

Appendix I: Chapter 2: Preliminary Section 2 - The Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995

"Disability" as per the PWD Act 1995 means

- i) Blindness
- ii) Low vision
- iii) Leprosy-cured
- iv) Hearing impairment
- v) Loco motor disability
- vi) Mental retardation
- vii) Mental illness

"Person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority

"Person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device

"Leprosy cured person" means any person who has been cured of leprosy but is suffering from:

1. Loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;
2. Manifest deformity and paresis; but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;
3. Extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation, and the expression "leprosy cured" shall be construed accordingly;

"Hearing impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies.

"Loco motor disability" means disability of the bones, joints muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy.

"Mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterized by sub normality of intelligence

"Mental illness" means any mental disorder other than mental retardation.

Appendix II: Applicable Legislation / Norms

Legislation in India:

The Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995 defines the legal norms related to Education, Employment, Social Security etc. for PWDs in India.

The Clause: Under Chapter VI on Employment, clause 41 states: The appropriate governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least 5% of their workforce is composed of persons with disabilities. Disability activists have nicknamed this the Golden Clause because, for the first time in the disability legislative history of India, the private sector has been mentioned by name. The incentives are however, yet to be announced by the government.

International Norms And Standards:

Rule number 7 of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the UN General Assembly in Dec 1993 states that 'in both rural and urban areas, they (PWDs) must have equal opportunities for productive and gainful employment in the labor market.'

The Convention on Vocational Rehabilitation and Employment (Disabled Persons), 1983 of the International Labor Organization adopted the principle that disabled persons are not subjected to discrimination at work. Article 4 of the Convention states: The Vocational rehabilitation and employment policy shall be based on the principle of equal opportunity between disabled workers and workers generally (.....) special positive measures aimed at effective equality of opportunity (.....) shall not be regarded as discriminating against other workers.'

The ILO Recommendation concerning Vocational Rehabilitation and Employment (Disabled Persons) provides that '... disabled persons should enjoy equality of opportunity and treatment in respect of access to, retention of and advancement in employment which, wherever possible, corresponds to their own choice and takes account of their individual suitability for such employment.'

Source: *International Labour Organization (ILO), Confederation of Indian Industry (CII), National Centre for Promotion of Employment for Disabled (NCPED), National Resource Centre for Inclusion (NRCI), ActionAid, Ability Foundation & www.hrdc.qc.asp/gateway.asp?hr=en/on/work/10-essentials.html*

'Nothing for the disabled without the disabled'



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