

Local Government Transformation and the
Recognition of the Disabled: an Analytical
Perspective

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OPSOMMING

Die doelwit van hierdie studie is om die transformasieproses wat in plaaslike owerhede oor die laaste sestien jaar plaasgevind het, te ondersoek. Hierdie studie het as vertrekpunt die Grondwet, Wet 108 van 1996. Transformasie impliseer alle terreine van die samelewing en ook gestremdes – die fokus van die studie. Meer spesifiek fokus die studie op die effek van die transformasieproses op gestremdes.

Die studie is in Ekurhuleni Metropolitaanse Munisipaliteit onderneem. Benewens die Grondwet van 1996, is die interne beleid van die Munisipaliteit, rakende gestremdes ook in aanmerking geneem. Die studie met fokus op gestremdes is teen die agtergrond van erkenning, basiese behoeftes, befondsing, bevordering, loopbane en die inkorporering van die gestremde in die Munisipaliteit onderneem.

Sleutelwoorde: plaaslike regering, transformasie, gestremdes, Ekurhuleni Metropolitaanse Munisipaliteit, beleid, Suid-Afrika, Grondwet, erkenning, basiese behoeftes.

ABSTRACT

The purpose of this study is to investigate the transformation process that has taken place in the local government sphere over the past sixteen years. This process is based on the Constitution, Act 108 of 1996. Transformation applies to all areas of society, including the disabled - the focus point of this study. More specifically the focus of the study is on the effect of the transformation process on the disabled.

The study was done within Ekurhuleni Metropolitan Municipality, taking into consideration the Constitution of 1996, as well as internal policies. The main focus during this study is to emphasize the position of the disabled, focusing on recognition, basic needs, funding, promotion, careers, and the incorporation of the disabled into the Municipality.

Key Words: Local Government, transformation, disabled, Ekurhuleni Metropolitan Municipality, policy, South-Africa, Constitution, recognition, basic needs.

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CHAPTER 1 INTRODUCTION

1.1 ORIENTATION AND PROBLEM STATEMENT

The Constitution of the Republic of South Africa (Act 108 of 1996) came into effect on 4 February 1997. The Constitution provides for a democracy for all within the country. Section 7(1) of the Constitution states that:

“This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.”

Prior to 1994 under the apartheid government, democracy was limited and reflected many injustices notably towards the black population, but in the past sixteen years however, this has changed, and equality is now upheld for all without prejudice or bias.

Does this democracy, however, also include disabled people within South Africa? Are they in spite of their various handicaps and limitations, made to feel meaningfully involved and able to participate in what is taking place within the country at present? Are they given the opportunity for self-development?

Section 27 of the Bill of Rights reads: “(1) Everyone has the right to have access to- (a) health care services, including reproductive health care; (b) sufficient food and water; (c) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance. (2) The state must take reasonable legislative and other measures, within the available resources, to achieve the progressive realisation of each of these rights.”

Democracy in South Africa implies a transformation that has been taking place in the country over the past sixteen years. This transformation has seen a shift from the apartheid era, with its disregard for the majority, to the present day where the Constitution requires the inclusion of all as full participants of the new dispensation. The disabled are included in this transformation process. Their participation allows them to establish an identity in terms of which they are seen to fit into the broader society. Also, their identity is important to their role within the society (Booyesen 2007:2).

Various authors have defined transformation. According to Parnell (2002:65) “Organisational change, is often termed, transformation, when applied to government”. Castles (2001:15) defines transformation “as an underlying notion of the way society and culture change in response to economic growth, war and political upheavals”. Gordon (2006:249) defines transformation as “Change that went beyond the establishment of formal requirements of democracy”.

Also Daszko, Macur and Sheinberg (2005:1) defines transformation as “the creation and change of a whole new form, function or structure. To transform is to create something new that has never existed before and could not be predicted from the past. Transformation is a change in mindset. It is based on learning a system of profound knowledge, and taking actions based on leading with knowledge and courage.”

In identifying with the above, this study emphasises the all-embrative nature of the definition that is discussed above and for the transformation process to be successful all involved are required to be subject to this all-embrative nature.

This study emphasises transformation as inclusive of the following –

- A shift from what existed before
- A change in mind-set
- An all inclusive change, embracing all involved.

Following the discussion of what transformation is, major transformation at national level, in health policy, in health legislation and in the delivery of health services has taken place in South Africa, over the past sixteen years (Cooper 2004:70).

Political, social and economic transformation is also taking place in the local sphere of government as part of the transformation of the South African state within the context of the democratic requirements of the Constitution, 1996. To meaningfully achieve this, ongoing training for all the role players concerned is imperative (Mothae 2008 :820).

Transformation in the local sphere of government, involves service delivery, amongst other things. Is service delivery advancing at the pace it should be? Issues raised in this regard are a shortage of resources and a shortage of skills (Du Plessis 2008:657). These shortages can be detrimental to the community as the fundamental nature of transformation required that old skills had to be changed as well. However, service delivery is only part of the transformation process in local government which is all-encompassing as a change in focus developed in accordance with the requirements of the Constitution, 1996.

For transformation to be effective (all-embracing) in the local government sphere requires participation of the local community. Such involvement in ward

committees and public meetings, helps project a commitment to the uplifting of the community. In this way the community is involved in the transformation process within the new democracy.

The objectives of local government are reflected upon in Section 152 of the Constitution, 1996 which implies – that for transformation to be effective and for democracy to be working the implementation process must be operational in the local government sphere. These objectives are -

- To provide democratic and accountable government for local communities.
- To ensure the provision of services to communities in a sustainable manner.
- To promote social and economic development.
- To promote a safe and healthy environment.
- To encourage the involvement of communities and community organisations in the matters of local government.

Section 153 of the Constitution, 1996 further expands upon the role of local government stating that local government must:

- Structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community and to promote the economic and social development of the community, and
- Participate in national and provincial programmes.

Following on the Constitution, 1996, the White Paper on Local Government, 1998 sets the scene for the implementation of transformation in terms of policy and legislation. The transformation process as referred to in the White Paper

was one of speedy implementation, and putting into place the intensive support programmes to facilitate the changes that urgently needed to be made (Craythorne 2006:14).

The Local Government: Municipal Systems Act, (Act 32 of 2000) (hereafter called the Municipal Systems Act) endorses the need for participation, linking local government together with the local community in this process.

To fulfil the above stated role a core feature of local government must therefore include the uplifting of the disabled within the local community.

The commitment of local government to disability should thus be important and funding received from the national government should, for example, be allocated appropriately to homes for the disabled to be used according to their needs.

Within local government the disabled must be seen to be supported in a “sustaining” capacity with accommodation, nursing, physiotherapy and occupational therapy, all being provided. What about the disabled when it comes to self-development, skills development and job creation? Assessing the disabled is ongoing, but from a “sustaining” rather than a “developmental” position.

Given the regulatory framework discussed above, the following questions can be asked-

- Does local government recognise disabled people within the context of transformation and its regulatory obligations?
- Are the disabled being sustained through adequate accommodation in homes for the disabled?

- Are the disabled given the opportunity to self-development through training, skills development and job opportunities?

1.2 RESEARCH OBJECTIVES

The objectives of this study are to:

1.2.1 Determine what recognition is being given to the disabled in local government transformation, notably from 1994 onwards.

1.2.2 Analyse the recognition given to the disabled from 1994 onwards in the local government transformation process.

1.2.3 Analyse local government's capacity to finance the development of education, training and skills development in support of disabled people within the transformation process.

1.2.4 Analyse the self-development opportunities given to disabled people through training, job creation and the possibility of skills development.

1.3 LEADING THEORETICAL ARGUMENTS

The following preliminary statements can be made:

1.3.1 The disabled are provided with accommodation. This accommodation is however limited with regard to the lack of experienced nursing care, the unavailability of medication, the limited physiotherapy facilities and the limited occupational therapy facilities. These limitations reflect an inadequate transformation process in local government.

1.3.2 Disabled people, despite the transformation taking place in local government continue, to be marginalized in terms of building accessibility, transport facilities, and job opportunities.

1.3.3 Local government transformation has not resulted in or led to the promoting of self-development opportunities for the disabled, specific job creation, skills development and training.

1.3.4 Due to financial constraints, the lack of adequate facilities and the lack of highly skilled staff, limited progress is being made, in the upliftment of disabled people, in local government.

1.4 LITERATURE AND METHOD

1.4.1 LITERATURE

The following databases have been consulted to ascertain the availability of study material for the purpose of this research:

- a) Catalogue of thesis and dissertations of South African universities.
- b) Catalogue of books: Ferdinand Postma Library of the North-West University, Potchefstroom Campus.
- c) Index to South African Periodicals.
- d) NRF: Nexus

A study of primary and secondary literature was used to determine how the functions and the responsibilities of local government reflect the role of the disabled within the community generally and specifically of Ekurhuleni Metropolitan Municipality. Electronic searches for relevant material were also

undertaken. A preliminary analysis indicated that ample material and literature are available to do research on the subject as evidenced by available material on transformation, local government and disability and as reflected in the bibliography to this study.

Other resources used were Human (2003) *Yenza, a Blueprint for Transformation*, and Bekink (2006), *Principles of South African Local Government Law*. Policy material on the disabled in the local government sphere and policy on the functioning of local government was also included. Notably, Policy Guidelines for People with Disabilities, April 2005 and Policy on Employees with Disabilities, May 2007, were both approved by the Ekurhuleni Metropolitan Municipality.

1.4.2. METHOD

Semi-structured interviews were held with 22 selected persons from within the local community of Ekurhuleni, notably, officials, Ward Councillors, Ward Committee Members and representatives from homes for the disabled. All information was analysed and assessed in terms of the research objectives.

1.5 CHAPTERS

This study will unfold in accordance with the following chapter division:

Chapter 1 Introduction – This explains the Orientation to Local Government Policy, Transformation and the important link to the disabled.

Chapter 2 Local Government Transformation. The focus will be predominantly on the past sixteen years, after a brief history leading up to 1994 is highlighted.

Chapter 3 The Recognition of the Disabled within Local Government, focussing on relevant policy.

Chapter 4 Empirical Research and Findings, based on semi-structured interviews.

Chapter 5 Conclusion and Recommendations. The way forward is established.

CHAPTER 2 TRANSFORMATION IN LOCAL GOVERNMENT

2.1 INTRODUCTION

The process of transformation in South Africa and in the sphere of local government has in recent years made enormous strides following its embittered history. As early as the 1950s and 1960s the recognition of change, as a form of progress, became an important factor in South Africa's history. The Freedom Charter, for example, adopted by the African National Congress (ANC) on the 26TH of June 1955, sought a transformed society, free of inequality and injustice, to one of equality and human rights.

As time advanced through this period, and after, the urgency for change reached critical proportions. The change being sought was not simply a change of convenience but a change that would bring about advancement in the functioning and democratisation of local government especially in terms of equality and non-racialism.

To properly understand the current state of local government, an understanding of the historical background, together with policy formulation, that culminated in the Constitution of 1996 and its implementation is needed. Out of this transformation process and its culmination emerged a democracy that would bring about equal rights for all citizens and offer equal opportunities to all those seeking advancement.

Democracy has notably manifested itself in terms of service delivery, community participation and accountability. After this is discussed and reflected upon, the ultimate question is asked – Are the disabled included in

this democracy? The Ekurhuleni Metropolitan Municipality was used as a case study to gauge the success of transformation and the extent to which the disabled are being successfully accommodated within it.

2.2.TRANSFORMATION AS CHANGE

Transformation's natural consequence is change. Subsequent to the transformation process becoming effective is the recognition of this change that is taking place within society.

Duvenhage (2005:7) proposed the following as fundamental to change in South Africa:

- The institutionalising of democratic values, a culture of human rights and the mobilisation of individuals with regard to political transformation (which is essential to this study).
- The strengthening of democratic movements within the state for purposes of political transformation.
- The use of political control as an instrument for transformation on all spheres of the community.
- The mobilisation of regional and international powers for achieving the above ideals.

Within transformation a choice is made by society to accept and to promote a new democratic political system and to realise this through the Constitution it upholds. Alternatively, it may reflect a symbolic or superficial change, that

allows for no dramatic change but allows for the living conditions of the past to continue, and in many instances even worsen.

Human (2003:4) describes transformation as a change that is never consistent or predictable, instead it comes in bursts of uncertainty, often resulting in chaos and confusion. This change in effect allows for an “old” to be replaced by a “new” approach. The “new” system that emerges through transformation is only complete when an “equilibrium state” is reached within the community. This “equilibrium” in society should accord a high quality of life for all citizens.

To reach an equilibrium situation, is to overcome the conflict situation that could exist in the community. This conflict comes through misunderstanding, confusion and a failure to implement the correct procedures being called for by those who are being discriminated against.

Change in the form of adjustment is evident in times of equilibrium. The existing / original system remains intact and the old continues, but with a renewed social emphasis, that results in a new system being implemented.

The change that is happening incorporates everyone in the community (Castles 2001:18). This change allows for the transformation process to develop and to continue. It is never complete but ongoing to the advantage of all concerned.

Human (2003:5) defines change as: “We are familiar with strategy as a process of planning from the top downwards. However I believe that this process alone is not sufficient if our society is to be transformed, and that action from the bottom upwards will be needed as well.”

To emphasise the above, Castles (2001:18) proposed that transformation be referred to as “Social Transformation”. This implies that the transformation process includes everyone within society. The transformation process is a process towards development and is never complete. Everyone is accorded their status in this process. Recognition of their position whether advantaged or disadvantaged is important as it identifies how everyone fits into the role they uphold in the community.

To include every one in the community, transformation has to move from making laws (a legislative approach) to a more inclusive approach. Democracy, participation and accountability as the various facets of this approach, are seen to be the important links to an entry into a well functioning municipality. If this situation exists the residents within the municipality and the officials of the municipality will operate together and a high level of service delivery can be experienced.

Strauss (2008:190) also emphasises that to achieve democracy through transformation the community must be fully involved in the process of building democracy.

In order to illustrate the concept of change, the role of Ekurhuleni Metropolitan Municipality and its policy on disability will be investigated. The issue to be addressed is the extent to which disabled people are both recognised and included within the change that is taking place in the municipality.

2.3. HISTORICAL BACKGROUND

The Union of South Africa was proclaimed on the 31st of May 1910 and with immediate effect, the national government expressed disinterest, in being held overall responsible and accountable for the functioning of local government. All local government affairs were dealt with exclusively at provincial government level only. Each province had to develop the municipalities within the provincial boundary, according to its own laid down strategy independent of any of the other provinces (Cloete 1989 : 70).

Shortly after South Africa became a Republic on the 31st of May 1961, the Provincial Government Act (Act 32 of 1962) confirmed and re-emphasised the national government's stance that provinces should have full control over municipalities within their boundaries.

In the 1970's following the emergence of black consciousness, within the black community and the resurgence of resistance politics that would later spiral into dramatic resistance actions, limited change and reform did take place. Price (1991:49) labelled this as "Generational Change", change linked to a number of issues that had occurred in the 1970's. These included the upgrading of townships, educational changes in the Bantu Education system, the increase in black businesses, housing for the black communities and the legalisation of black trade unions (Price 1991:53). It was in short change intended simply to fulfil an immediate need, change based on the national government's belief that such limited change would cause the real problem to disappear.

In the 1980's resistance through mobilisation by the United Democratic Front (UDF) and trade unions continued, with mobilisation of communities to protest the appalling social and economic conditions within the townships. A call to

boycott rent and service charges was upheld. Local government officials within white municipalities negotiated with black townships in order to “salvage” the situation, but this was seen as a hasty intervention, a crisis management and the intervention resulted in little success (White Paper on Local Government 1998:13).

In 1983, the Constitution of South Africa (Act 110 of 1983) saw the national government for the first time expressing interest in local government affairs, although only through limited reference in the context of provincial powers. See for example sections 84 and 92. In 1986, the national government in terms of the Provincial Government Act (Act 69 of 1986), once again expressed the need for the provinces to control local government affairs.

Gordon (2006:3) mentions that the white South African government as early as the 1900’s did not recognise anything that would better the lives of black people. The result was a resistance to change that had no recognition of African interests and improvements in their living conditions. The challenge for the apartheid regime was to reform within the segregated system, rather than at bringing about racial equality.

As a result, the period from 1910 until 1990 saw very little significant change and provision for exclusive white control was made to the exclusion of the black community.

Change in the South African history came in the late 1980’s and early 1990’s as a result of the stalemate of the National Party (NP) and the African National Congress (ANC). This was followed by a negotiations process to effect a new democratic dispensation.

Pertaining to local government, the Local Government Negotiating Forum (LGNF), as a parallel process to the multi-party negotiation process started work in March 1993 and was established to aid in the democratising of local government as it was seen at that time. The aim was to establish a democratic, non-racist, non-sexist and financially viable local government system (De Beer & Lourens 1995:120).

The result was a positive step towards local government development with national government intervention and full commitment to transformation. The promulgating of the Interim Constitution (Act 200 of 1993) and the Local Government Transition Act (Act 209 of 1993) (hereafter called the Transition Act) saw an important breakthrough in local government development. With the implementation of these two Acts the transformation process of local government was clearly in process.

Cloete (1995:85) noted the establishment and status of local government in the Interim Constitution (Act 200 of 1993) as follows:

- A competent authority established for the residents of areas demarcated by law.
- Making provision for categories of metropolitan, urban and rural local governments. These would have differentiated powers, functions and structures according to considerations of demography, economy, physical and environmental conditions and other factors justify or necessitate such categories.
- Being autonomous within the limits prescribed by or under law, and thus entitled to regulate its affairs.

- Being free from any encroachment by parliament or the provincial legislature on the powers, functions and structure to any extent that may compromise the fundamental status, purpose and character of local government.
- Proposed legislation that materially affects the status, powers or functions of local governments or the boundaries of their jurisdictional areas, could in terms of the Interim Constitution not be introduced in Parliament or at a provincial legislature unless it has been published for comment in the Government Gazette or Provincial Gazette.

Thus the Interim Constitution ensured that local governments and interested persons from the community were also given a reasonable opportunity to make their representations in regard to any change being sought.

According to Cloete (1995:6) the Transition Act enabled the implementation of a new system of local government by providing the following:

- The pre-interim phase leading up to the first local elections in 1995. Local negotiations were conducted during this phase between local municipalities together with representatives of the local community. It was these negotiations that led to the establishment of pre-interim councils, who were responsible for making governance decisions during this period of transition.
- The interim phase commenced after the first local elections in November 1995. The formation of Metropolitan Local Councils, Transitional Local Councils, Transitional Representative Councils, and District Councils were

shaped and the development of a new policy framework for local government was designed.

- The final phase commenced when the local elections in 2000 were concluded. Policy frameworks, necessary for service delivery now needed to be implemented.

The introduction of a non-racial government in South Africa in 1994 resulted in the following:

- The development of a non-racial state and public service, with all of the education and training implications.
- The creation of a balance between a private sector able to serve as an engine of growth and a public sector able to meet the country's social needs.
- The creation of a policy making process able to plan, co-ordinate and manage economic development in the 21st century (Picard,2005:3).

The preceding discussion on the historical development of local government provides the background for transformation in local government within the context of the Constitution, 1996.

2.4 LOCAL GOVERNMENT

2.4.1 DEFINITION

Within the context of section 151(1) of the Constitution,1996, the following definitions of local government are proposed:

“Local government are local political institutions which have been empowered with executive and legislative powers and functions. The significance and importance of the fact that local authorities are part of the political structure of the state must never be overlooked or underestimated” (Bekink, 2006:63).

Bekker (1996:16) defines democratic local government as follows:

“Democratic local government is a decentralised representative institution with general and specific powers devolved on it in respect of an identified restricted geographical area within a state.”

Considering the above, it is clear that the powers and functions of local government can be regarded as important in the transformation process as it provides the framework within which municipalities can implement transformation. The Ekurhuleni Metropolitan Municipality is also subject to this framework and related to the Batho Pele principles the community should be placed central in the execution of powers and functions. Further discussion of powers and functions will follow later in this chapter.

2.4.2. THE CONSTITUTION

Democratic local government in South Africa as conceptualised in the Constitution, broadly speaking, aims to deal with two important issues. Firstly the various bodies that operate and exercise state powers are explained and created, powers are allocated to such bodies and also provision is made on how that powers should be exercised.

Secondly, the Constitution is called to protect individual rights and freedoms and thereby guard against excessive and abusive state powers, considering the objects of local government as contained in section 152.

Gildenhuys (1997:6) emphasised this by arguing that the Constitution has to promote a democratic and accountable government for local communities, while promoting social and economic development and a safe and healthy environment. It also has to ensure the provision of services to communities in a sustainable manner and encourage the involvement of communities and community organisations in the matters of local government.

Bekink (2006:61) affirms section 152 of the Constitution and further emphasises the role of local government in democracy; arguing that it is the branch of government that functions the closest to the constituents of a specific area and that it is involved with the rendering of a wide variety of services that materially affect the lives of all the people residing in its jurisdiction. He furthermore argues that local government must serve as an effective counterweight to the over-concentration of governmental authority in the other spheres of government. This positive influence can only be achieved if local governments are afforded a certain measure of autonomy.

Local government is often seen as local community-administrative institutions. Through these institutions, community actions and needs are promoted and regulated. In this capacity local governments are the best positioned to provide and ensure the sustainable provision of essential services to their communities.

Bekink (2006:61) states, that through the exercise of their powers and functions whilst respecting Section 152 local government ensures community

access to the decision- making process by bringing it closer to the local residents.

Cloete (1995:85) states that local government is assigned the powers and functions necessary to provide services for the maintenance and promotion of the wellbeing of every one in the area of jurisdiction. Therefore, a local government shall, to the extent determined in any applicable law, thus make provision for access to water, sanitation, transportation facilities, electricity, health services, education, housing and security within a safe and healthy environment for all persons residing within its area of jurisdiction provided that such services and amenities can be rendered in a sustainable manner and are financially and physically practicable.

2.4.3. THE WHITE PAPER

Following the Constitution, 1996, the White Paper on Local Government, 1998, identified with the vision and framework of the new sphere of local government and effectively set out the foundation of the transformation process of local government that was to be so important.

The transformation of local government had to meet a number of challenges. The White Paper on Local Government, (1998:21) defined these as:

“A new local government system needs to build on the strengths of the current system. Equally it needs to address its weaknesses, and build the capacity of municipalities to address the considerable challenges it faces”.

Within the new system of local government the challenges were considered to be the eradication of poverty, the uplifting of social and economic living conditions and effective service delivery as a priority.

As defined by the White Paper the goal in local government is therefore to create a satisfactory quality of life for its people. Local government must create favourable circumstances that create opportunities for all. This calls for equal opportunities, irrespective of people's varying circumstances, with no intimidation or victimisation, including the disabled.

Bekink (2006:38) stressed how the newly transformed local sphere of government needed to be directed towards:

- Establishing and maintaining an effective system and structure.
- Enhancing service delivery and development.
- Ensuring representation, participation and accountability.
- Maintaining highly professional administrations.
- Ensuring and providing effective political leadership.
- Ensuring financial support and sustainability.

2.5. ASPECTS OF AN INCLUSIVE APPROACH TO LOCAL GOVERNMENT TRANSFORMATION

2.5.1. DEMOCRACY

The 1998 White Paper on Local Government, emphasised a people-centred approach to local government. This is stressed in the need for development and for the full participation of all.

Bekink (2006:6) argues that democracy is universally regarded as an essential element or principle of a true constitutional state. Democracy, according to him relates to the power of the people. In its original sense it means that a government can be legitimate only if it has the consent of the majority of its citizens.

On the question: "How does democracy influence the functioning of local government?" Bekker (1996:17) suggests:

"Democracy at local government level is concerned with the political system based on aspects such as citizen participation, majority rule, consultation and discussion, as well as the responsibility of leaders to give guidance".

Reddy (2005:40) addresses local government democracy in South Africa, as being very much entrenched within the overall South African society.

Further he emphasises that the importance of local government is the basis of all structures of government, which can never be overemphasised as an effective local government implies a quality of service provided to a specific community or to various communities (Reddy 2005:43). The provision of these services is a response to the needs of that specific community and the fulfilling of their desires. The effectiveness of local government is therefore measured in terms of the difference it has made to the quality of life of a specific community.

Reddy (2005:48) addresses democracy in local government as a "grassroots level" of democracy. This clearly reflects the need that for a democracy to function at every level and in every situation possible if it is to work. To achieve

this, the participation of all is important, linked throughout to the contribution of an individual persons skills, expertise and talents.

Transformation with democracy implies the need to address issues directed at local government by the local community. The outcome could result in change taking place.

The White Paper on Local Government (1998:73) states that these changes have not always been informed by a clear and coherent vision of the rules and responsibilities of the municipality in the new era. As a result, they have not always meant “ real transformation”.

Democracy will function effectively when everyone participates in, contributes to and is satisfied with the direction in which local government has proceeded.

2.5.2. PARTICIPATION

For transformation to be effective it must be sustainable. Local government could be viewed as the basis for sustainable development considering the provisions of Section 152 of the Constitution, and in furtherance of democracy, local government is therefore called upon to address the various issues raised within the local community.

The White Paper on Local Government (1998:23) asserts that:

“Developmental local government is local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve their quality of life”.

Ntsime (2003:40) is of the view that “Developmental local government entails maximising social development and economic growth, integrating and consolidating planning and service delivery, empowering communities and redistributing resources”.

The White Paper on Local Government (1998:23) further highlights that the local municipality must not only find sustainable ways to advance, but must incorporate the local communities, in a collective manner, within the municipality to achieve their purpose. The ward committee system is important, as the committees themselves operates collectively and with each ward committee member also operating collectively in his or her designated portfolios within the wider community.

Heller (2001:133) highlights that in local government, subordinate group participation is being promoted and sustained. The portfolio system in local council and in the ward committees reflects the sub-ordinate approach.

Within local democracy, the question of decentralization has become an important issue. This has come about because government implies full participation of the people and because it is the people who give expression to the implementation of council's resources. The participation of the people allows local government to be effective. The success of this approach calls for a sustainable approach, what is being implemented must continue for the foreseeable future.

Participation gives people at local council level an opportunity to take part in decision-making. Participation strengthens the decision-making process. Subject to an individual's commitment and understanding of the subject a

contribution from the local community themselves performs an important part in local development and ultimately in the council's implementation process.

Napier (2008:163) explains that participation is an ongoing process, and that the process is bidirectional with information being exchanged from both parties.

Finally Napier (2008:166) confirms that: "It is generally accepted that the principle of public participation is the cornerstone for democracy and good governance".

It is important therefore, that all role players involved in the transformation of local government, participate extensively in the process. Their role can lead to them being held accountable for their actions and their decision-making.

2.5.3. ACCOUNTABILITY

One of the core elements of change and of democracy is to give people in the community an opportunity to speak out on issues of concern to them. As described above, in order to achieve a democratic and sustainable local community, participation within the community is important.

What is similarly important is that all the role players involved are being held accountable for what is being decided. To be in a position of authority implies accountability. The objective of local government is clear, to link accountability, to responsiveness and openness. The need for accountability is essential for the successful implementation of the full transformation process that is taking place within local government.

Accountability exists to acknowledge that everyone in positions of authority and power is being held accountable and responsible for their actions and their decisions. As Bekink (2006:481) argues:

“Accountability plays an important role in ensuring stability and acceptance in a particular democratic system. It ensures appropriate checks and balances for local residents with regard to their elective representatives.”

A society that encourages participation is in itself evidence of the expansion of local democracy. The people themselves will be more encouraged to participate when they are sure that their contribution will have value and that those responsible will be held accountable (Bekink 2006:481).

Bekink (2006:481) states that: “Accountability in local government further ensures that the actions of the council also reflect the aspirations of the relevant community”.

With accountability comes an expected high level of service delivery. This is important in the transformation that is taking place in the sphere of local government.

2.5.4. SERVICE DELIVERY

The White Paper on Local Government, (1998:74) recommends the following principles for service delivery in municipalities:

- Accessibility of services
- Affordability of services
- Quality of products and services

- Accountability for services
- Integrated development and services
- Sustainability of services
- Value for money
- Ensuring and promoting competitiveness of local commerce and industry.
- Promoting democracy.

To enforce these principles, within the Ekurhuleni Metropolitan Municipality, the Municipality implemented the Batho Pele principles in response to the need for service delivery. A practical approach with all role players is being established. The local community is called upon to build a “Service Culture” by using and involving the residents of the local community, who become known as “Local Partners” in a project. What is important is that a project should entail ongoing feedback from all parties concerned throughout the various stages of the project. The following are prominent and adhered to in the Batho Pele principles.

- Consultation
- Service Standards
- Access to Services
- Courtesy
- Information on Services Provided.
- Openness and Transparency.
- Redress

Service delivery does not only imply the provision of services in the local government sphere, it also implies the need for the development of services within the community. In order to achieve this, obstacles to, and problems in the implementation process must be addressed. Service delivery addresses the basic needs of the community. These include accountability, affordability, accessibility, quality and integration (Bekink 2006:283).

2.6 THE POWERS AND FUNCTIONS OF LOCAL GOVERNMENT

South Africa is governed by three spheres of government, i.e. national, provincial and local which are distinctive, interdependent and interrelated (see section 40(1) of the Constitution, 1996). Local government is thus a distinct sphere of government in its own right and is not in any way a function of the national or provincial government. It is however an integral component of the democratic state and in this context obliged to recognise the principles of co-operative governance as laid down in the Constitution, as are the other spheres of government.

Bekink (2006:215) clearly states that the Constitution assigns specific powers and functions to municipalities. According to Section 156 of the Constitution, municipal powers and functions are addressed and protected directly in the Constitution. This section states the following:

- A municipality has executive authority in respect of and has the right to administer, the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5, together with any other matter assigned to it by national or provincial legislation.

- A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.
- Subject to Section 151(4), a by-law that conflicts with national and provincial legislation is invalid. If there is a conflict between a by-law and national or provincial legislation that is inoperative because of a conflict referred to in Section 149, the by-law must be regarded as valid for as long as that legislation is inoperative.
- The national government and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 which necessarily relates to local government, if, that matter would most effectively be administered locally, and the municipality has the capacity to administer it.
- A Municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.

2.6.1 THE ROLE LOCAL GOVERNMENT PERFORMS IN IMPLEMENTING ITS POWERS AND FUNCTIONS

The local sphere of government is responsible in council, for the performance of both the legislative and executive authority. The Constitution, 1996, clearly confers upon local government a special status as a distinctive sphere of government with its own duties and responsibilities. The Constitution, 1996,

identifies powers and functions of municipalities, and the procedures by which they are achievable.

Ntsime (2003:40) suggests “Local government is an institution for sustainable development because this is where development policies and programmes are conceived, funded, implemented and managed”. Also consider this in the context of the obligations set by the Constitution, 1996.

According to Du Plessis (2008:657) transformation has seen change taking place in local municipalities. It is this change and its implementation within the municipality that is critical to both the development of the municipality and the establishment of a “framework” defining the manner with which the municipality will operate. This framework implies policies, by-laws and general rules that help to see the local municipality function effectively.

Within the constitutional framework all three spheres of government are fully obliged to observe the practise of co-operative governance, recognising the need that although interdependent and distinct each sphere of government functions as a cohesive unit. Castles (2001) called this “Participatory” transformation recognising the need for all three spheres of government to be involved.

Furthermore a municipality must adopt an inclusive approach to involving the community with all interested persons, in its decision- making process in policy formulation. A municipality should have mechanisms in place to ensure citizen participation in policy initiation and to evaluate all decision-making and implementation processes (section 17 of the Systems Act, 2000). Forums, for example such as one dealing with integrated development planning or any other relevant matter, within a municipality allows for input to be made in the

formulation of policy, alongside a policy monitoring and evaluation process. Should obstacles or difficulties result, the correct procedure would be to rectify the situation through the evaluation process that would commence alongside the implementation process and continue through to its end.

2.7 LOCAL GOVERNMENT TRANSFORMATION AND THE DISABLED.

Booyesen (2007:1) says that the transformation process that has taken place during the past sixteen years within the economic and social environment in South Africa, has caused identity changes in people. The disabled are no exception. In times of profound societal change and transformation, and in unstable societies where group boundaries and experiences frequently alter, changes in individuals self perception, in their group membership and in how they assign themselves to specific social categories are evident.

A society can only survive through interaction of all role players involved within the system, hence the need for clear identification of each player's role and responsibility within the system.

Mothae (2008:163) confirms that a person's role in society allows them the chance to recognise their own identity and how they act it out according to their commitment.

To establish an identity in society implies individual development, training, and skills expertise, and then to impart this into the community.

In relation to the disabled and local government's limited powers and functions concerning health, the National Health Act, (Act 61 of 2003), defines Local Government's responsibility on health services as that –

- Every metropolitan municipality must ensure that appropriate municipal health services are effectively and equitably provided in their respected areas.
- The relevant member of the Executive Council must assign such health services to a municipality within the province as are contemplated in Section 156(4) of the Constitution.
- An agreement contemplated in Section 156(4) of the Constitution is known as a service level agreement and must provide for services that are to be rendered, resources that the member of the Executive Council must make available, performance standards which must be used to monitor services rendered by the municipality, conditions under which the agreement may be terminated.

Agreements where municipalities perform health services on behalf of provinces will terminate in 2011, which will result in municipalities only remaining responsible for environmental health. Decentralisation within the Health Care portfolio thus becomes important in the sphere of local government. Money allocated to a disabled home, for example, is given exclusively for a specific project, ignoring sufficiency of daily running costs at the home. “While decentralisation may encourage additional financial resources being granted at local level, it may also result in fragmentation of funding with little overall co-ordination.” (Thomas 2003:68).

Thomas (2003:70) also stresses that those who were more deprived (socio-economically) are more dependant on publicly funded health services and

therefore have a greater need of such services than those who have access to private means.

In the White Paper on Local Government (1998:98), the national government offered the following support systems for local government transformation –

- Increasing local government's voice through constitutional rights.
- Decentralising powers and functions to local government.
- A coherent planning framework for integrated development planning.
- Support for improved service delivery.
- Performance management systems.
- Training and capacity building.
- Increasing financial certainty.
- Ongoing institutional development.

What is significant is that support systems are in place at the local sphere of government. A group in urgent need of full recognition of this support is the disabled.

Many issues involving the disabled need to be addressed by local government. These include the recognition of the disabled, the needs of the disabled, the incorporation of the disabled into the democratic process, the provision of funding for the disabled, opportunities for skills development and training, and the path to successful job opportunities.

2.8 CONCLUSION

The White Paper on Local Government (1998:99) stated that: “Ultimately successful transformation rests in the hands of each Municipality. Transformation is not a choice – it is an obligation placed on each Municipality in accordance with the constitutional mandate and its role in the development of the nation. Unless the capacities built through years of struggle for democratic rights and a decent quality of life for all are mobilised within each local area, we will lose what we have struggled for. Local government has a critical role to play in consolidating new democracy.”

Illustrating the above an historical background leading up to the establishment of a post- apartheid local government was described. Recognition that a need for change is important, illustrates the implementation of transformation.

The change sought provides sustainable democratic and accountable government to local communities.

Local government enjoys constitutionally conferred legislative and executive powers. The responsibility of local government is to exercise these powers so as to further democracy, through, participation, accountability and service delivery. In this each municipality would strategise its own approach To complete this democracy, is to show the full incorporation of the disabled into all what local government stands for.

CHAPTER 3. THE RECOGNITION OF THE DISABLED

3.1. INTRODUCTION

The transformation process was an important advancement taken towards democracy in South Africa. Democracy was to incorporate everyone, with no exclusion, despite differences of recognition or social position.

The involvement, of the disabled in the process is without question, a factor that cannot be ignored. It is, however, important to establish the precise recognition the disabled are accorded in the process.

Ngwena (2004:167) notes that a survey conducted in 1999 and published in 2000, found that 6% or two and a half million of the South African population, were disabled.

In 2009, statistics released by the South African Institute of Race Relations, confirmed that 7,9% of the population were disabled. The recent figures of 2009 could further be listed by the nine provinces as follows:

Free State 15,5%

KwaZulu-Natal 10,1%

Northern Cape 10,1%

Limpopo 7,7%

Eastern Cape 7,4%

Western Cape 6,6%

North West 6,3%

Gauteng 6%

Mpumalanga 4,8%.

3.2. DIFFERENT MODELS EXPLAINING DISABILITY

Ngwena (2006:614) states that the Employment Equity Act, (Act 55 of 1998) lists disability as a ground of unfair discrimination in society, which should also be considered in the context of the equality clause (section 9) of the Constitution and the change of attitude towards the disabled in the new dispensation. The Constitution and the Employment Equity Act, however, does not define disability. They do however define people with disabilities for the purpose of their status, as a designated group.

Ngwena (2006:614) defines disabled people as: “People who have a long term or recurring physical or mental impairment which substantially limits their prospects of entry into or advancement in employment.”

Research into a “complete” definition on disability was carried out by the Washington Group (Madans:2006), who maintained there was no single operational definition on disability, but that there were different operational definitions that led to different understandings of the disabled.

The question that is to be answered, involves the purpose of the disabled, which ultimately determines the definition. There are 3 major classes of purpose:

- Service Provision – seeks to identify those with specific needs.

- Monitoring the Functioning- Seek to identify those with limitations or restrictions.
- Equalisation of those with opportunities – seeks to identify those with greater risk.

The definition ultimately becomes one of measurement, “Defined as the ability or the inability to carry out the basic body operations at the level of the whole person.”

As shown by Ngwena, disability is a concept that is not susceptible to rigidity, closure, without movement or adaptation.

Two main approaches in the understanding of disability have emerged, - the Medical Model and the Social Model. They are however not predominantly reviewed as models as such, but rather as contrasting approaches to the conceptualising of disability, as well as the constructing as responses made towards disability (Ngwena 2006:619).

A further model, the Substantive Equality Model, is important for understanding immediate reasons why, despite differences between the disabled and the community solutions can be found when responding to the needs of the disabled (Ngwena 2004:172).

The Medical Model projects a view of disability as a personal trait of the person in whom disability exists. The individual person is seen as the focus of the disability as being in need of attention and of assistance in the remedying of their disability. Each individual's disability or impairment will vary accordingly, but the underlying factor according to the Medical Model is that the disabled individual's problem lies within their impairment (Ngwena2006:626).

The Medical Model implies a “sick role” and for the disabled the only solution is “dependence” on others. A disabled person becomes a passive individual fulfilling a subordinate role with no decision-making power allotted to them and with limited recognition of being independent. The Medical Model fails to see beyond a medical solution, assessing throughout that the disabled person is continuously in need of care and attention.

The Medical Model is restricted and consequently addresses disability as understood from a medical perspective ignoring the larger society’s responsibility. The Social Model while recognising the importance of the medical model, expands beyond this approach.

The Social Model looks at the role played by the social and the cultural environment, conceiving of disability in a more holistic view, and taking extrinsic factors into account. The Social Model sees disability as an outcome of the interaction between a person labelled as having a disability and a social and economic environment. If the social environment fails to adjust to the needs of the disabled, society is as guilty as is the physical or mental impairment of the disabled person.

Ngwena (2006:635) states that the Social Model challenges the oppression that emanates from the label of disability. A need to free the disabled from the labelling process is important.

Ngwena (2006:635) defined the Social Model as:

“Involving nothing more and nothing less fundamental than a switch away from focusing on physical limitations of particular individuals to the way physical and

social environments impose limitations upon certain groups or categories of people”.

It is also important to recognise the role the Constitution, 1996 plays in this process. As was indicated earlier, if the Constitution is fully implemented the disabled need not suffer, as the rights and freedoms are being accorded to all people.

Du Plessis (2008:657) makes it clear, transformation that is taking place is change, a change that is necessary, Castles (2001:18), as indicated previously, goes even further, stating that transformation is social transformation, incorporating the whole of society. Strauss (2008:190) concluded that an all embracing transformation, leads to democracy.

According to Ngwena (2006:635) the oppression of the disabled is ensconced within those unconscious assumptions, norms, habits and symbols of the able society that reflects immovable structural barriers of the disabled. Within society and its structural boundaries social inequality exists. This suggests disabled people could be faced with obstacles in their life, as well as inequalities that should be overcome by transformation.

Ngwena (2004:172) describes the Substantive Equality Model. “As the social relations approach for dealing with the dilemma of difference in a society that is committed to inclusion and pluralism rather than exclusion and homogeneity”.

This model questions the assumption that difference is located solely in the person who is perceived as different. When a source of inequality is located in the individual person, inequality within the environment is being perceived, for

each individual makes up the environment. It is importantly, an all-embracing concern if the environment is to operate effectively.

A disabled person is an individual in their own right that is placed in a disabling situation. Due to their disability social and economic barriers may exist, and to overcome these barriers may be difficult. This does not mean they are to be overlooked. It is up to everyone, commencing with national government to eliminate these barriers and to allow disabled people to enjoy respect, dignity and full rights as citizens.

It is notably the role of the South African government, in all three spheres, national, provincial and local whose strategies and implementation process will assist in the disabled being included in the ongoing transformation process, therefore policy on local government is linked to the process.

3.3. POLICY ON DISABILITY

3.3.1. NATIONAL GOVERNMENT

The Constitution, 1996 is the cornerstone of democracy in South Africa. It enshrines the rights of all people in the country, and affirms the democratic values of human dignity, equality and freedom. Everyone is equal before the law and has the right to equal protection and the full support of the law.

The Promotion of Equity and Prevention of Unfair Discrimination (Act 4 of 2000) call for the removal of unfair discrimination against the disabled. The Act states that no person may unfairly discriminate against any person on the ground of disability by:

- Denying or removing from any person who has a disability, any supporting or enabling facility necessary for their functioning in society.
- Contravening the code of practise or regulations of the South African Bureau of Standards that govern environmental accessibility, or
- Failing to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonably accommodate the needs of such persons.

The Act approaches unfair discrimination against disabled people from the assumption of their equality within society. The disabled person is in need of being absorbed within the society and integrated as an equal member of the community.

Reynecke and Oosthuizen (2003:97) assesses the 1997 White Paper on Social Welfare, and acknowledges the discrimination suffered by people with disabilities. The following problems faced by disabled people are recognised:

- Disabled people's organisations have generally been excluded from social and economic policy formation.
- There has been little emphasis on training and rehabilitation to integrate disabled people into the economy. The policy has simply been one of passive income maintenance through grants. People with disabilities have been marginalized.
- The means test has penalised and de-motivated disabled people who have private savings, or who take up work that lasts only temporarily.

- The means test in respect of medical benefits from the state serves as a disincentive for people with disabilities to be employed as they forfeit state medical benefits if they earn more than R1700,00 per month.
- Disability has been assessed on the basis of physical impairment only, and has not taken into account whether a person with a limited disability could find work.

The 1997 White Paper on an Integrated National Disability Strategy, represented a major change and shift in government thinking on disability issues. The strategy acknowledged the exclusion of disabled people from mainstream society. Disability came to be seen as a human rights issue and no longer as merely a disabled or welfare issue.

The objectives of the White Paper (1997:18) include the following:

- The facilitation of the integration of disability issues into government's developmental strategies, planning and programmes. Local government have to fully incorporate disability issues into developmental strategy, participation, accountability and service delivery.
- The development of an integrated management system for co- ordination of disability planning, implementation and monitoring in the various line functions at all spheres of government.
- The development of capacity building strategies that will enhance government's ability to implement recommendations contained in the White Paper at all levels.
- A programme of public education aimed at changing fundamental prejudices by raising awareness.

The White Paper on Local Government (1998:10) embodies the above by emphasising that despite the many challenges there is also a need to see the quality of life of the people uplifted.

The White Paper on an Integrated National Disability Strategy (1997) emphasises the need for a holistic approach, to highlight the marginalized and to promote an awareness campaign.

The validity of this will be further considered by assessing the accommodation of the disabled in terms of the White Paper on Local Government, which calls for a quality of life for all, and the White Paper on Disability, which calls for a holistic approach. The question is asked: Are the disabled included in or excluded from the transformation process that took place in local government?

The Social Model reflects the South African government's thinking as being holistic and showing the disabled people fully incorporated into the transformation process. It is imperative that if the holistic approach to the disabled's inclusion were limited, exclusion could result. As Reynecke and Oosthuizen (2003:88) asserts: "Discrimination against disabled people lead to the exclusion of them to function in a normal way in the community and the denial of their rights to function freely in society."

Frequently a limitation to the understanding of the disabled's needs further handicaps their advancement.

The Code of Good Practice, Sing (2006:85) was published in 2002 as a response to dealing with unfair discrimination against disabled people. This discrimination results from and is perpetuated by unfounded and unsubstantiated assumptions about disabled people's abilities. By excluding

the recognition of people, the need for training and skill development is ignored and this acknowledges that accessibility for the disabled is limited.

The World Programme of Action on Disability, at its General Assembly in 1993, promoted the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (Ngwena 2004).

The Standard Rules recognised that impediments that are established by society and the environment are as much a limitation as the disability itself. The Standard Rules subscribe to a Social rather than Medical Model of disability and provides guidance for local government how to address their responsibilities towards disabled people.

According to Ngwena's (2004:175) definition of the Standard Rules "The principle of equal rights means that the needs of each and every individual are of equal importance, that those needs must be made the basis for the planning of societies and that all resources must be employed in such a way as to ensure that every individual has equal opportunity and participation. Persons with disabilities are members of society and have the right to remain within the local communities. They should receive the support they need within the ordinary structures of education, employment and social services".

The objectives as laid out, in the Orientation and Problem Statement of this study, are attempting to assess these very issues. Are the disabled included in the transformation and planning process? Are there opportunities for self-development for the disabled?

To achieve equal opportunity, Ngwena (2004:176) emphasised that people with disabilities must be empowered with opportunities that give to them the

chance to advance in development and status in society. Through the opportunities offered to the disabled, expectations will thus be raised, to the point that employment is seen as a living, sought after and achievable reality. This calls for the availability of training, skills development and education. To promote the disabled an ongoing awareness campaign of the needs of the disabled is important. Within the business sector, the accommodation of the disabled in the workplace is a necessity.

The Employment Equity Act makes two recommendations, to achieve equality in the work place. Firstly, equality will be achieved by promoting equal opportunities and fair treatment in employment by the elimination of unfair discrimination. Secondly, the method to be employed in achieving workplace equality and redress disadvantages in employment will be to incorporate affirmative action measures.

To what extent are the disabled however actually included in the workplace? The call for the promotion of the disabled is important. A plan of action suggesting an approach is contained in a policy document released by the Provincial government of the Gauteng Province.

3.3.2. GAUTENG PROVINCIAL GOVERNMENT

In the past the disabled was grossly neglected in cultural and customary practises in the private and public spheres. People with disabilities are entitled to the same human rights as all other South Africans.

Gauteng Province acknowledges that the disabled are amongst the most vulnerable members of society. It further believes that the majority of people

with disabilities can live independent and productive lives if they have access to the opportunities, resources, environments and technical aids that enable them to fulfil their wishes (Policy Framework: 2004).

The Policy Framework by the Gauteng Provincial Government further adopted a programme of action to promote the rights of the disabled. This serves as a guide to the province to ensure that people with disabilities in its borders are protected and empowered.

The stand taken by province is important for local government. The intervention of province on behalf of local government to the national government is important in the development of the disabled. This is seen in constantly asking national government for financial support on an ongoing basis, for operating costs, as well as asking national government to intervene financially, in giving consideration to the plan of assisting with the establishing of a disabled facility for the disabled, a capital cost.

The management of the disabled is now seen from human rights and developmental perspectives and not regarded as a health or welfare issue. The policy states that they are developing their disability policies with the disabled fully involved.

According to the policy framework, the province recognises human rights and equal opportunities, and strives to eradicate discrimination, and provide attainable education, with the ultimate goal of empowering the disabled.

The policy framework and the programme of action promote the rights of the disabled, and identify the immediate challenges to the achievement of equality, inclusion and empowerment in the province.

3.3.3 LOCAL GOVERNMENT: EKURHULENI METROPOLITAN MUNICIPALITY

The Ekurhuleni Metropolitan Municipality stretches from Bedfordview to Nigel, incorporating, Edenvale, Kempton Park, Alberton, Germiston, Boksburg, Benoni, Brakpan and Springs. There are at present 2,478,631 people living in Ekurhuleni. Included in this figure are 82,019 people classified as disabled. Within the disabled figure 46,794 receive disability grants, a figure that highlights the difficulty of attaining a job in society. The remaining 35,000 do not receive a disability grant, for one of two reasons. The dominant factor is that a large number are employed in Shelter Protective Workshops, and receive a nominal salary, that in effect cancels out any chance of attaining a disability grant. There is a small number, who are employed in the open labour market, expressing self-development.

Ekurhuleni Metropolitan Municipality (2005:665) defined disability as:

“People with disabilities refer to people who have physical and or mental impairment, long- term or recurring, which substantially limits their prospects of entry into, or advancement in employment, health care, leisure and education.”

This definition reflects a similarity to the definition contained in the Employment Equity Act and establishes an immediate identification between the proposed approach, of the Ekurhuleni Metropolitan Municipality to the issue of disability and the Constitution.

The Mayoral Committee in the Ekurhuleni Metropolitan Municipality, in April 2005 approved a policy for the Municipality: Policy Guidelines for People with Disabilities B-H (6-2005). The Municipality, in this policy pledged a complete

non-discriminatory approach towards the disabled. The Municipality further acknowledges that disabled people are being marginalized, and that it is the responsibility of the Municipality to rectify the situation, in full consultation with the disabled people themselves. This approach emphasized that the policy was in line with the transformation process that was taking place in the Ekurhuleni Metropolitan Municipality during this time.

The Ekurhuleni Metropolitan Municipality in consultation with the disabled, indicated the need to establish a “programme” relating to the needs of the disabled. This will enhance their development in society and remove all discriminatory practises against them.

A disability is a long term or permanent impairment, or a recurring condition, which needs to be accommodated in living conditions and the workplace, in order to eliminate all barriers to a working career.

The general categories of disability are - physical, mental, visual, hearing and epilepsy. These are used for the purpose of an overall assessment of the disabled situation, Policy B-H (6-2005:666).

The purpose of Ekurhuleni Metropolitan Municipality’s Policy (2005:663) is to ensure the interests and needs of people with disabilities are taken into account. They need accessible and equitable services and need to be protected and empowered to live productive and sustainable lives.

The Ekurhuleni Metropolitan Municipality is committed to respecting the human dignity of people with disabilities. This commitment manifests as follows in the Policy (2005:663):

- To ensure that people with disabilities are provided with accommodation.

- If sought for, followed by the need for rehabilitation, medication and supportive devices.
- Networking between stakeholders within the Municipality, to ensure education and training in the mainstream and to enable the disabled to realise their highest potential.
- Eliminating discrimination in communities and at work, and providing access to all public and private buildings. It thus aims to help the disabled find a place in society.
- The disabled people are seen as being equal to all, and as active and contributing with opportunities and an accorded status in society. The disabled often requires assistance, in their daily lives, but so long as their impairment is not regarded as a handicap restricting their intention, all opportunities that they seek should be open to them.

People with disabilities in the Ekurhuleni Metropolitan Municipality are continually faced with a range of barriers that prevent their advancement within the local community, for example, housing, transport, accessibility and a lack of job opportunities are some restrictions that limit their progress, Policy B-H (6-2005:667).

The Policy (2005:668) states the challenges for people with disabilities, are to assist them to achieve their inclusion and empowerment within the community where there is a lack of employment opportunities, as well as a lack of accessible public transport and housing. Schools and buildings are not designed for access of people with disabilities. There is also a lack of

awareness programmes to inform the communities about people with disabilities.

The implementation of the policy, by the Ekurhuleni Municipality must result in by-laws for the disabled being promulgated, thus enabling the Metropolitan Council to ensure that the interests and needs of the disabled are accommodated and that this is promoted through services that will enhance independence. All policies and programmes in the Municipality must be developed and implemented with the full participation and co-operation of disabled people (Policy 2005:669).

What is clearly stated in the transformation process, as discussed earlier in the study, is the need for participation, accountability and service delivery.

The 2005 policy states that in order to incorporate the disabled all plans for new buildings and alterations to existing buildings must comply with regulations regarding accessibility for the disabled. It further states that municipal buildings should be assessed and modified to adhere to the needs of disabled people wherever funding is available to do so.

The policy also states that the Municipality will work with various role players such as Education, Home Care Services, State Grants, Business Sector, and ward committees to promote skills development and integrate disabled people into the open labour market and further to promote basic needs of the disabled within the community.

In May 2007, Ekurhuleni Metropolitan Municipality approved a further policy: Policy on Employees with Disabilities B-HR(16-2007). In terms of this policy the Municipality recognises that disabled people are throughout, equal citizens,

who should enjoy equal rights, as well as being made to feel responsible, and be given access to equal opportunities.

The Ekurhuleni Metropolitan Municipality (2007:306) stated that to allow equity to be achieved in the workplace the promoting of equal opportunities and fair treatment in employment was needed allowing for unfair discrimination to be eliminated.

The Municipality plans to implement affirmative action, to eradicate disadvantages in employment for the disabled. One of the objectives of the policy is to provide the Ekurhuleni Metropolitan Municipality with a framework to understand and manage the needs of employees with disabilities.

The Municipality has pledged that at least 4% of disabled people will be incorporated into the workforce in the future, and they acknowledge that each employee with disabilities is unique and needs to be addressed in that way, to be fairly treated and reasonably accommodated, Policy B-HR(16-2007:312).

The policy will provide guidance with recruitment and promotion for employees with disabilities. Disabled people will not be discriminated against on grounds of their disability. They will have the same rights and privileges as their colleagues, and their potential will be recognised to ensure growth and development in their career.

To recognise this goal the Municipality will link themselves with the business sector in the incorporation of the disabled into the mainstream business workforce. The sensitivity to how the disabled will be incorporated into the workforce will lead the council to plan the training of officials according to these needs.

3.4 THE WAY AHEAD FOR THE DISABLED

It is clear from the above that the Municipality, through its by-laws and policies recognises the disabled. The question now asked is: Do the disabled really have the recognition and opportunities to develop as a “whole well-rounded individual”?

Every individual desires to live a quality life, with equal opportunities, regardless of any disadvantages. Many people seek financial return for their commitment. This achievement includes attaining a job, a career, and also needing to fulfil basic living conditions.

The disabled are not excluded from also living a quality life. The needs of one disabled person however may differ considerably from that of another disabled person, but the basic need remains, satisfactory living conditions, with the opportunity of a career.

It is important to ascertain the exact extent to which the transformation process has accommodated disabled people. In this study, a number of issues are considered, such as accommodation, funding, incorporation into society and career opportunities.

Is there a positive shift in the lives of the disabled? Wagner (1998:2) confirms the possibility of this shift: “There was a time when people with disabilities were kept from public view, hidden away in institutions and private homes. Over the past couple of decades that’s changed in many parts of the world, as new laws and organisations work to help those with disabilities be welcomed into the mainstream. It’s a market that is becoming increasingly difficult for marketers to ignore.”

Doyel (2002:117) asserts that while many suffer victimization within the workplace, others rise above the many risks and challenges involved to successfully accomplish a working career.

The two policies on disability within the Ekurhuleni Municipality, as discussed, are firmly established. The disabled are recognised and acknowledged. The question arises, what is said in policy, on paper, is it being fully implemented into society? Have the lives of the disabled themselves, improved and progressed? The Ekurhuleni Metropolitan Municipality is assessed in striving to answer these questions.

3.5 CONCLUSION

The Medical Model showed a dependence on other people in a solution to the problems of the disabled. The Social Model, implied that an interaction between the disabled and the community would lead to problem solving.

The Substantive Equality model emphasised the handling of differences as well as similarities in society. Thus the disabled has a place in society. All that is needed is how they can be effectively incorporated into the community.

With the policy on Guidelines for People with Disability, the Ekurhuleni Metropolitan Municipality intended to show all was being done for the disabled, in an uplifting and incorporating way and that transformation had taken place in the local sphere of government.

From the empirical research, it will be evident, that in policy the disabled are incorporated and recognised into mainstream society, however in practise

when the disabled reach out to implement these policy decisions, difficulties will be seen.

CHAPTER 4 EMPIRICAL RESEARCH AND FINDINGS

4.1. INTRODUCTION

The study set out to ascertain the main hurdles that restricted the recognition of the disabled within the transformation process that has taken place in the Ekurhuleni Metropolitan Municipality in the past sixteen years. The needs of the disabled, ranges from accommodation through to more pressing needs, such as accessibility, funding and job opportunities that leads ultimately to self-fulfilment in a career.

Based on the theoretical context of transformation and the disabled, the practical approach to interview relevant persons within the community was important. Council officials, professional staff in the field of disability, personnel involved in the management of homes / workshops for disabled people and disabled people themselves were interviewed.

The researcher interviewed a total of 22 people. Each interview included the identical seven questions. Because of the similarity of questions 6 and 7, these were combined into one. The summation of the questions that follow, are assessed as six important areas of concern in the consideration of the disabled. Each interview was conducted on a one to one basis, face to face, lasting approximately, 45 minutes to an hour.

The 22 respondents were randomly selected to represent the most important role-players pertaining to the municipality, the disabled and the community, and were all located within the Ekurhuleni Metropolitan Municipality. Prior to the interview taking place the credentials of the interviewees were either known to the researcher personally, or supplied to the researcher through

reliable resources. There was no distinction made with the 22 interviewed, regarding race, gender or religion.

The sample of the twenty two interviewed was made up as follows :

- Two Council Officials in Administration.
- One Health Department Director in the Ekurhuleni Metropolitan Municipality
- Two Human Resources Department employees in the Ekurhuleni Metropolitan Municipality
- Two Social Workers
- Two Ward Councillors
- Three Ward Committee members
- Four Managers of Homes
- Six Disabled persons at homes or private residences.

4.2 INTERVIEW QUESTIONS

- 1 In what way does the Ekurhuleni Metropolitan Municipality recognise disabled people within the context of the transformation process that is taking place in local government?
- 2 Transformation and Democracy can be seen as related concepts. Since democratic local government has been established in the Ekurhuleni Municipality are the basic needs of the disabled recognised in local democracy?

- 3 In what ways are disabled people being incorporated into the democracy that is practised in the municipality?
- 4 Is funding readily available to help assist disabled people, to fulfil their needs?
- 5 Are there opportunities for disabled people to promote themselves, in education, training, and skills development and in a career of their choice?
- 6 What actions is the Ekurhuleni Metropolitan Municipality taking to recognise and promote careers for disabled people in the business sector?
- 7 What actions is the Ekurhuleni Metropolitan Municipality taking to provide disabled people with opportunities to attain self-development in the workplace?

4.3 REPRESENTATION OF DATA GATHERED DURING THE INTERVIEWS

4.3.1 THE COUNCIL OFFICIALS

The views of the council officials interviewed, were combined with the Administration Department, the Human Resource Department and the Health Department of the Municipality.

All the officials interviewed accept that the disabled have rights, according to the Constitution, 1996. It is important that their rights are recognised. Their disposition does not mean exclusion from society, but the opposite, as a need

to include and to allow for their incorporation within society despite all difficulties, is regarded as a top priority.

The officials stated that the disabled need the support within the Ekurhuleni Metropolitan Municipality, of not only council officials, but also the decision-makers within the portfolio system in council, ward councillors, ward committees, and homes for the disabled, that assist with accommodation and 24-hour nursing care. In brief, disabled people need the support of the entire community, as they face many obstacles. The burden of overcoming these obstacles is considerably lightened by stake-holder intervention.

The officials indicated that much has been done for the disabled, including basic living conditions, nursing care, to job creation in the open labour market, since the transformation process began sixteen years ago.

The officials acknowledged a two-point approach in their daily functioning with regard to the disabled, namely the internal approach, and the external approach. The internal approach reflects the development and promotion of the disabled within the confines of council itself. The council oversees facilities belonging to themselves, notably, accommodation, sporting centres, workshops, to mention briefly. The external refers to homes and various bodies independent of council. These are required to be registered as non-governmental organisations (NGOs) and may seek government subsidy to finance their monthly costs so as to operate effectively, but are not under the managerial control of council.

The officials were quick to point out that to raise the profile of disabled people in society and to accelerate the transformation process, policies in which all stake- holders were invited to participate were formulated.

The Municipality in its policy, B-H (6-2005), on the disabled stated an end to discrimination, and the marginalisation of the disabled, instead emphasising the need for programmes / forums leading to the full incorporation of the disabled within the community.

The officials of the Municipality, have held forums with the community, with the purpose of not only establishing policies in which the promotion of the rights of the disabled are recognised, but also on how these policies will be implemented? The disabled themselves, together with the community, in general, served on these forums. Their needs were clearly identified and attended to. This led to the drafting of legislation and policies as well as by-laws to satisfy everyone's needs.

Sadly this is where it ended. The disabled are seen as a "separate society" within the community. All acknowledge the need for the promotion and the incorporation of the disabled, but to answer how this should be done, attention must be given extensively to the disabled themselves and how they are to operate within the community. Sadly the implementation process is lacking.

Not only forums within the Municipality are important but regular visits to care facilities and regular report-backs to council and the portfolio on implementation will put in place mechanisms to help monitor progress and ensure the participation of all role players.

The officials stated that communication in the field of disability is not satisfactory, resulting in many stakeholders not being consulted with, and not being fully incorporated into the correct way that disability is meant to go.

For the implementation process to work in practise, a call for a “bigger picture “ of the disabled that will almost read like a complete manual, from A to Z, is needed. It needs an intensive “strategic session” starting with council in bringing everyone together.

The end result of how the disabled fit in could see the council setting up Disability Help Desks, at the various council offices throughout the Municipality. These would inform disabled people and the community of the rights and needs of the disabled.

The officials acknowledged that the disabled are in many cases not included, to their full extent, in the community, but at the same time they are not completely excluded. The Municipality uses the ward committee system as an example, requiring that the disabled themselves are represented on the various wards committees. In this way they are expected to speak out on their own needs and the incorporation of these needs.

The Municipality further responded by saying Batho Pele is important. A culture will grow that becomes a “service culture” involving all role players, including the disabled of the community. All will be involved to promote the disabled.

The White Paper on Disability pre-empted the Batho Pele principles, stating that the time had come for all stakeholders to be involved in disability. Clearly the Batho Pele Principle is a way forward for the disabled.

The officials are quick to point out that funding towards various projects is important. Funding is allocated to the homes from the top down, from national, through provincial and onto local government. Local government thus has little

say in the amount of money that should be allocated to a home for disabled people. Funding allocation is calculated according to the subsidy required for each individual needs of each disabled person and not according to requirements for the ongoing promotion of the home itself. When the home receives the money, however, it is expected that it is not used exclusively on the disabled person's basic day to day needs, as it was allocated for, but rather on projects within the home.

A problem occurs in that a large percentage of the money offered to the homes by the local government, is expected to be used to fund projects of a once off nature such as building or renovating in order to improve the standard of the home itself (capital costs) and can therefore not be used entirely for "day to day" expenses, like salaries and food (operational costs).

All involved in disability agree, that not only is funding important, but for the disabled to attain education, training and skills development, requires an extensive commitment on their own behalf, alongside the involvement of highly skilled personnel, to help raise the disabled to an expected level of performance.

For the disabled to be given this opportunity, an implementation process on skills development is needed. This process would outline how to establish the skills training and the standard of education needed to attain a job of choice. This must be linked to the service providers, the corporate sector in the Municipality who not only recognises the disabled in compassion, but further assigns them to the career of their choice.

At present opportunities for the disabled in the workforce are restricted, only a few are working in the open labour sector. Their success is average. They hold

positions such as a telephonist, a receptionist, and a filing clerk. A certain number of disabled are employed in a Protective Workshop situation, subsidized through local government, but with little financial reward, low job satisfaction and reacting to a sense of being exploited by the community.

The perception of the disabled within the community needs to change. Disabled people should be dealt with on an individual basis rather than in terms of overriding policies, and theories that says what should be done. Turn the opportunities available to the disabled to be practically realised, giving substance to, and not only what the theory says.

The policy, B-HR (16-2007), regarding employees with disabilities that has been incorporated into the Ekurhuleni Metropolitan Municipality stresses this very point. Each disabled person is unique. Their disability is unique. Their basic needs as well as their career choices must be handled in a unique way.

As stated earlier, the Employment Equity Act does not define disability. It simply defines people with disabilities for the purpose of their status and asserts that disability must not be seen as a cause for unfair discrimination.

Ekurhuleni Metropolitan Municipality has adopted an approach that 20% of disabled be employed in the open labour market. To achieve this target learnerships are available. Very few disabled people however, apply for entry to these learnerships, and a possible solution to this problem may be to introduce learning in schools as a start in order to uplift them to a position of advancement.

The officials stated clearly, that there are no special privileges for the disabled when adhering to the Employment Equity Act. Nowhere in the Act does it imply

that a certain number of employees must be disabled. The requirements of the Act establishes the conditions with which the standard of the job must comply. A disabled person if able to comply with the standard set out for the job requirement, is then considered for the position.

The Ekurhuleni Metropolitan Municipality does offer an important approach. If a disabled person applies for a career position within the municipality, and is unsuccessful, they have the right to approach the Human Resource Department of the Municipality and enquire as to why they were rejected and thus establish a way forward when re-applying for a similar position later on.

It can therefore in summary be concluded, that while the sensitivity and commitment towards the disabled by the council is positive, the implementation of the disabled into society is not happening. To remedy the situation, council needs to call for a continuous review, on a regular basis, of all policies, by-laws and other decisions taken by council through the Forums, and workshops held, in order that the implementation of the disabled into society be ongoing without any form of restriction being seen.

4.3.2 SOCIAL WORKERS

The role of the social worker is to uphold the rights of the disabled throughout. This is done with a more practical approach, so when attending forums and workshops on the disabled, the very basic, incorporating needs of the disabled are primarily considered, for example, administration issues, accommodation, nursing care, skills development, to mention a few. The application of the theory is more important than what the theory is.

An application for admittance to a disabled home is always scrutinised and finally approved by the social worker prior to admission. The social worker is thus aware of the individual disabled persons' strengths and weaknesses.

To consider not only the basic needs of the disabled but also more importantly is a way forward for the disabled person. The social worker, involved in this process is also fully sensitive to a greater need and advancement in the workplace for the disabled, for example, skills development and job creation, resulting in an established career of choice.

Many involved with the disabled, confirmed by the social worker, are calling for the education of disabled people in schools where their needs can be recognised and assessed as early as possible, so that specialised training aimed at their personalised needs can be initiated. Commencing with the education of the disabled as early as possible, results in the stimulation of the person, and leads to immediate commitment and hard work.

In attaching skills to the disabled, it is important to recognise the different types of disability. A mentally impaired person, may for example, be more restricted in skills development than a physically disabled person. An extensive amount of categorising of the disabled is therefore important before skills training can begin.

It is important that the parents of disabled people, as stressed by the social worker, play an active role in uplifting the disabled. Parents are seen to be overprotective of their disabled children. Conversely they are called upon to intervene and assess the immediate direction a disabled child could take in the laying out of a possible career.

With a disability, but wanting to establish a career, an infrastructure, laying out the direction a disabled person should proceed in is urgent. As previously indicated this pattern of development should commence in the early years of schooling.

With a clear infrastructure, setting out the availability of professional staff, the required facilities and equipment, disabled people are assured of a career path that brings self-worth and fulfilment.

At present a small percentage of the disabled, despite their limitations, with determination, achieve success through their own commitment in the business world. A number of other disabled people are successful in a career due to affirmative action or to the quota system being enforced within a corporate environment. These disabled are aware that they may not have genuinely earned it, but most definitely grab the opportunity.

It can therefore in summary be concluded that the social worker role is one of intervention, expressing through observation and assessment, various ways a disabled person can develop their own individual skills so as to advance themselves within the open labour market.

The social worker is seen therefore as a liaison officer working between the disabled person and the council, and whose job it is to set up the skills training of the disabled persons' choice. The involvement in the disabled persons implementation of a job career, results in the social worker assessing the training courses readily available or alternatively to call for new courses to be considered by council in order to enhance further opportunities for the disabled.

4.3.3 THE MANAGEMENT OF HOMES

The management of homes for the disabled acknowledge that policies and by-laws have been fully incorporated into the transformation process of council to assist the disabled with their living conditions and promotion of themselves within the community, but point out that no one is being held accountable in council to ensure the full implementation of these policies.

In effect nothing to help improve the upliftment of the disabled is happening with many involved in the field of disability therefore stating that while in theory it is fully promulgated, nothing is taking place in practise.

The White Paper on Local Government aimed to remedy the situation. It presented a vision, a need for incorporation of the disabled. As stated in the Constitution, freedom for all and the implementation of this freedom, is important for the disabled.

The management recognises that the Municipality enforces the policies put forward on disability, at all three spheres of government. It is however left with unfinished business. The question now arises: Has everyone involved in the process of disability fully embraced these policies, to the point that it has made a difference in the life of the disabled?

Homes that offer accommodation to the disabled, aim at all times to satisfy the needs of the disabled people. The management of the homes advertises the facilities the home has to offer, so that society is made aware of what facilities a home is offering.

The management of all the homes for the disabled express the deep desire, that their facilities are advertised, more transparently, both in the media, and

through the local government in terms of local government's internal and external approach. The Municipality should advertise the facilities a home has to offer, as well as the disabled members of a home making use of the facilities owned by council, notably a sporting centre for the disabled. The Municipality should recognise that a good working relationship involving all role players in disability be accorded their position and promoted as such.

Many homes for the disabled are calling for an explicit profile, expressing what the home stands for and what it has to offer, a profile that is promoted by local government to indicate how local government and the larger community can become a "partner" with the disabled, in the promotion of their needs.

Disabled persons' search for incorporation in the community is another essential need. The management of the homes for the disabled believes this is not realised. The reason for this, is the local government allowing a dichotomous situation to exist between themselves and the management of disabled homes through their failure to promote the facilities of the disabled home, what it stands for, and what they have to offer. The homes acknowledges that a strained relationship between themselves and the Municipality often exists.

The view is expressed, because there is no promotion of their needs at grassroots level, there is no expression of the disabled culture in the larger community of the Municipality.

Workshops and forums on disability do take place. At these forums the management of the homes speaks out, directly towards the Ekurhuleni Metropolitan Municipality, stating that the ongoing updating of the homes facilities and the promotion of these is a necessity.

For example, if council were to subsidize professional staff such as occupational therapists and physiotherapists, to operate within the homes, the incorporation of the disabled into the wider community, may be assisted considerably.

The decision taken by Council calls for extensive and urgent fundraising by the management of the homes. What is more important is that because of a shortage of funds for basic operational costs homes for the disabled are unable to employ the highly skilled and trained professional staff equipped to promote and uplift the needs of the disabled, notably, skills development and training.

Homes seeking funding through local government is expected to be registered as a Non Profit Organisation, (NGO) and to provide a business plan of its aims and aspirations. It must in addition be fully recognised as a Community Based Organisation that is supported by the local community of where it resides.

Despite all the administrative requirements, a number of homes in the “ affluent areas”, maintain that they are being discriminated against. For example, funding for big projects, buildings, renovations, exclusive homes appeal to big corporate bodies, for their assistance, for the overall costs of their renovations will exceed far beyond what council will allocate them.

All homes are pooled together, and funds are equally distributed, with the result that those homes that need a far bigger monthly subsidy, receive a far smaller percentage of what they require. The proportion of funding is therefore uneven and requires urgent attention.

The majority of the disabled are unemployed or are confined to Sheltered Protective Workshop Employment. The workshops are catered for by the management of the homes themselves, adding extra burden to financial costs. Many disabled people are content with sheltered employment while others reject it and despise it intensely, despite their having to do it during most of their lives as it is time consuming and offers little financial reward.

The disabled do not hesitate to call for a sense of self-worth in their lives, given the opportunity, and presented with affordable and attainable infrastructure, they are prepared to work for it.

It can therefore in summary be concluded, that while the home with its facilities available offers security to the disabled, further improvements within the home are urgently needed if the home is to be seen as an “outreach” to the community for the disabled. With confidence and self-esteem entrenched, the disabled person can operate in the community in a satisfactory manner.

4.3.4 THE DISABLED

As transformation leads to democracy thereby implying that issues within the community are being addressed, this is supposed to also benefit the disabled. Their issues are resolved when all role players are fully included in the process. Within transformation in the Municipality the recognition of the disabled is enforced with its policies and by-laws. It is however not being fully implemented and remains on paper, never reaching those who really need it. The incorporation of the disabled into the mainstream of society is limited, with

little progress being made. This proves democracy is limited and is falling short of the goal of the transformation process.

There are few inputs and outputs, and the overriding infrastructure incorporating the disabled into all aspects of the process remains non-existent. The life of the disabled remains unchanged. Little change for the better in the life of the disabled is being seen.

The disabled culture defines their way of life and how their life fits in with the wider community. Much is being said in theory and policy, but not much is done in practise.

When the democratic dispensation commenced, the Municipality applauded itself for equipping all council buildings with ramps and lifts to accommodate disabled peoples' needs.

The disabled people themselves were not impressed by this gesture. Despite the transformation that has taken place, the disabled see no impact in their own lives. The perception of the disabled within the bigger community is important for the disabled to contribute and to advance. Very basic things have been done for the disabled, such as the installation of access ramps in buildings, allocation of special parking in public centres, and the lowering of door handles to assist, but this is where it begins, and basically where it ends.

Generally, however, accessibility for the disabled in society is a critical issue. Buildings are not user friendly, indicating that the enforcement of by-laws within the municipality is not evident.

There are issues within the community which restricts the movement of the disabled completely. For example, many restaurants, cinemas, toilets, and

ATM's at banking institutions have almost become a no-go area for the disabled. Local sporting facilities and local parks offer no relieve for disabled people. In sporting stadiums seating space for wheelchairs is non-existent.

More important issues are also not being attended to. This includes disabled friendly public transport, like buses and taxis.

Even more disturbingly, is a lack of appropriate housing. When housing is offered to the disabled, they are forced to adopt a house already equipped for "normal" living conditions, forcing them to experience more stress and adjustment than is necessary. It is important to recognise the various degrees of disability. The adaptation of a home for a physically disabled person will differ from what is required when adapting a home for a blind person or a deaf person.

Disabled people are feeling very "left out" of the situation. This results in a lack of stimulation, with little prospect for self-reward. The realisation by government that professional people are needed for the promotion of the disabled is non-existent. The support the disabled seek with skills development, education and job opportunities is non-existent.

Disabled people accept that they have a "right", they must strive to enforce that very right. The search for help and support for individual success of a disabled is limited, but they must fight for their rights and not see it as a hopeless situation. They must turn it into a positive and not a negative.

It is important that the attitude of the disabled be in the right place at all times. With the right attitude the disabled can do much towards the building of a

“culture” defined as their own, incorporating everyone that help to answer their needs.

The disabled are in many situations too afraid to speak out. There is the perception of a “fear” that they will be victimised and their “culture” as a result will remain hidden.

The disabled elaborate on numerous examples of going to a public facility, such as a toilet or a public parking lot and being verbally abused by the public. The guilty are abusing the innocent and the transformation process is therefore in question.

The plight of the disabled has seen no improvement in the past sixteen years, neither has their sense of self worth improved. Many disabled people see themselves as simply fulfilling a quota system.

The disabled say policies and by-laws have been promulgated, but say this is merely a token, for they do not make any decisions in the implementation of these. The real decisions are made for them by a select few representing the local government.

The disabled believe they have “rights”. The Municipality’s policy on disability adds weight to this view, by requiring of them to fight for their rights to establish their own culture. Their ongoing contribution will ensure the preservation of this culture.

What is urgently needed is not an awareness campaign of the disabled. Not even a campaign on the plight of the disabled is necessary. What is needed is an “implementation process”, a way forward defining how the disabled fit into

the community. All role players involved in the process must be involved from the very basic needs right through until the attaining of a career.

This can only happen when the Municipality appoints permanent council officials to consult with disabled homes regarding the promotion of the homes, their facilities, and the disabled persons' urgency for incorporation into the process.

The by-laws that are presently in existence to help uplift the disabled must be rigidly enforced. What is in place must help to lighten the burden of the disabled and not worsen the situation. What is being offered to the disabled must not be forgotten.

This calls for the stakeholders, even council officials, to urgently undergo in-depth training on how to handle and understand the disabled in the promotion of their plight. An awareness campaign of – how to assist the disabled- would be beneficial.

The disabled tag of being seen as a “token” to the business sector will hopefully disappear in the face of improved skills development and education initiatives. They will fit into the business world more in line with what they can contribute, rather than simply to fulfil a quota system. Remove exploitation and replace it with worthwhile production.

The disabled are willing to learn. They however, require skilled staff to help them do so. More importantly they are willing to teach the professional staff, the management of homes and the council officials, expressing who they the disabled are, and showing to others they do not need to be feared.

It can therefore in summary be concluded that it is not only the implementation process of the disabled into the community that is so important, but the adaptation of the disabled themselves to the process, together with the support they receive will help establish their self-esteem.

It is important, the disabled need training and skills development. The training approach to performing the skill of a physically disabled person will differ to the training given to a blind person. The implementation process features different ways of learning the skill which is important in the development of the disabled. The adaptation process must be recognised.

4.3.5 WARD COMMITTEE MEMBERS

An appeal is being made at the grass-roots level, by the parents of disabled as well as the disabled themselves, being appointed to and allocated important positions on committees of council related to the disabled. Whether this implies that parents of the disabled should be allowed to serve on councils portfolio committees is a debate.

What is important is that ward committee members attend workshops offered by council on Health / Welfare matters as a platform for discussion and debate.

Their input together with realistic assessments of funding requirements would assist in establishing an adequate subsidised monthly amounts, allotted to homes for the disabled within the Ekurhuleni Metropolitan Municipality.

All role-players involved in disability have called for the appointment by council of an ongoing investigation team, to monitor the performance of each home, and determine if and when financial and other interventions are needed.

The monthly returns that are completed by the management of the homes and submitted to the council, by which their monthly subsidy is assessed and allocated should avail of a more personal approach instead of the common discredit approach that the homes are so used to.

Projects that need to be considered by council, for example, public transport for the disabled, could well be included in the Integrated Development Plan (IDP) for serious consideration of the Municipality.

It can therefore in summary be concluded that the ward committees, made up amongst others, of parents, business people, seek to establish ways on how the disabled can reach out into the bigger community. What is important is that all role-players, ward committees, parents, teachers, need to be fully involved in the implementation process.

4.3.6 WARD COUNCILLORS

The role of the councillor is the facilitator in the way forward for the disabled. If a project, like a transport request for the disabled is included in the IDP, it is the role of the councillor to ascertain the process in the implementation of the item. Is the item included as a Short Term Project or a Long Term Project, How long will it take? How much will the project cost and is that amount included in the annual budget of the Municipality?

The ward councillor is the facilitator when an issue arises in the ward, for example, no parking for a physically disabled person at a shopping centre. To speak out on behalf of the disabled is an important aspect to a ward councillors position.

The credibility of what the councillor says on disability is enhanced if serving on the portfolio of health within the Municipality. The knowledge and the expertise of the councillor in the field of disability assists immensely in decisions taken that would be of benefit to the disabled.

The ward councillor will speak freely on policies and by-laws affecting the disabled, not only within the ward, but on behalf of the entire Municipality.

It can therefore in summary be concluded that the position of the ward councillor as spokesperson for all the role players involved with disability is important. By the position given to the ward councillor what is said by the councillor on behalf of everyone involved in disability is upheld in council in very high regard.

4.4 INTERPRETATION ON THE RESULTS OF THE INTERVIEWS

The Constitution does not define disability, instead it establishes the recognition and the social status of people defined as disabled.

The Constitution extends the call for equality and freedom of all people. The need for full recognition of the disabled within the community therefore becomes an important issue. To achieve this recognition the disabled themselves seek an “Inclusion” that is all embracing.

The Ekurhuleni Metropolitan Municipality asserts that much has been done for the disabled, in recognition and in their basic needs, but accepts that more still needs to be done, in incorporation into community, together with career possibilities.

The disabled too accepts that progress has been made in the transformation process over the past sixteen years. They do however define this success as a “minimal achievement” while the more relevant issues that need to be addressed in local government transformation require more urgent attention.

What has emerged is that the Municipality is telling the disabled that it is available to listen to their needs. The appropriate way to handle this is however, rather to ask all role players to address a forum, and in that way clearly establish a way forward. If this is to succeed the disabled are encouraged to openly speak out on their issues, something they often do not do, for fear of victimization and intimidation.

The disabled believe they possess a “culture” defining their intent. Sadly because all role players are not open to this, the implementation of the disabled “ culture “ is not being projected.

With their culture the disabled are incorporated into the transformation process. Section 152 of the Constitution confirms this assessment.

Section 152 stated that local government must ensure provision of services to all communities in a sustainable manner. The disabled is a community, a culture that is free to give expression to the larger concept of society.

Reddy et.al. (2005) cautioned earlier however, that for democracy to work effectively, local government must implement a quality of service that is offered to various communities and is adapted to each specific community accordingly. This must not create prejudice or discrimination, but rather a way forward for all concerned. A way forward will lead to ultimately a change of “mind set”.

The Ekurhuleni Metropolitan Municipality established two policies, aiming to show a way forward. What is needed is the implementation of these policies showing the disabled to be fully incorporated into the mainstream of society. If this is achieved, important issues that are at present not being recognised will be addressed.

The disabled seek employment for which they will receive a financial reward. They state clearly that given this opportunity, they will wherever possible aim throughout to meet the requirements. Disability varies from one case to another, in terms of severity and the level of adjustment required. Here the municipality needs to recognise these differences and assist accordingly.

The Ekurhuleni Municipality, through its Human Resource Department states that the following are critical to the implementation of the disabled needs:

- The appointment of a designated person from council to monitor the success and advancement of the disabled through disabled homes as well as individual disabled people living in the community.
- An ongoing awareness campaign within the different departments of the Ekurhuleni Metropolitan Municipality regarding the needs of the disabled.
- A Disability Strategy aimed at assisting with the incorporation of the disabled into the workplace.

In addressing the above, the Municipality stresses the urgent need for ongoing report-back to all stake-holders assessing the success of the implementation process.

CHAPTER 5 CONCLUSION AND RECOMMENDATIONS

5.1 RECOMMENDATIONS

The Constitution clearly states that two factors need to be addressed, the delegation of legislative and of executive powers to each sphere of government, and the upliftment and promotion without prejudice of all people.

The Constitution enables the Ekurhuleni Metropolitan Municipality with these powers, by being democratic, accountable, promote social and economic development, provide sustainable services and encourage community involvement.

The White Paper on Local Government extends the need for a good quality of life. Bekink (2006:6) and Castles (2001:10) argue that because local government is the closest to the people, its goals must be achievable, and its democracy must be all embracing and incorporate all in the community.

Through the transformation process over the past sixteen years, disability has been incorporated into the process. This has taken the format of legislation, policy and by-laws.

The issue is the extent to which this incorporation is being realised in practise. The transformation process therefore requires accountability, participation and service delivery.

Accountability establishes stability within the community and service delivery through the Batho Pele principles assists in the implementation of transformation, while participation fulfil an essential requirement of democracy as well as the all-inclusiveness of transformation.

What has been stated on disability is now in need of implementation and actualisation. The basic needs of the disabled, requires full incorporation into the community. Democracy is seen to operate when all role players involved in the process are recognised, participating and accounting for their position in an appropriate way forward.

Transformation is change. This change (Human 2003) is radical and not performed simply for convenience, or to fit the situation, as a temporary measure. Forums established to assist the disabled must be monitored with report backs to council, the portfolio committee and to the ward committees. The regular report-backs on the implementation process of the disabled given at council, portfolio and ward committees as well as other members of the community interested in disability, ensures a “Hands-on” approach is being used in the Municipality. With this approach change is not simply happening, but as Daszko (2005) pointed out, this is a change in mind-set, embracing everyone concerned.

If council is to reflect this radical change, a move from the “old to the new”, within the Ekurhuleni Municipality is called for. To action the severity of the situation, and to assess the discrepancies and shortfall of funding of the disabled in notably training and skills development, the national and provincial government are called upon to assist in order to rectify the situation. Funding commences with the accommodation needs of the disabled living in subsidized homes, but clearly extends towards more pressing needs such as accessibility, transport, housing, education, training and skills development, culminating in a career.

Transformation within the Ekurhuleni Municipality, the local sphere of government, will be seen to be working, when the disabled are no longer confined to only the Health portfolio, but are fully incorporated into the finance portfolio, for assistance and support. This incorporation would seek effective change, no longer simply on the budget for convenience change, like building a ramp, but on the budget requiring full implementation of skills and training.

It is proposed that the Human Resource Department of the Municipality establish a section for disability and for the monitoring of disability in society in terms of accommodation, training and career choices.

The Human Resource Department, should appoint a liaison officer, together with a task team, to function as a link with the Human Resource Department and the community, and that is responsible for direct intervention between national, provincial and local government, by informing them of developments, improvements and needs in the lives of disabled members of the community. A move from simply basic day to day needs, to an advanced stage of allowing the disabled to function effectively in the community is a priority.

The liaison officer as appointed by Ekurhuleni Metropolitan Municipality would co-ordinate between what is happening in the disabled homes, what is happening for the disabled within the community, and what is happening regarding the advancement of the disabled person.

As Bekink (2006) had shown earlier the aim to establish and maintain an effective system and structure within the Ekurhuleni Metropolitan Municipality will together with the disabled become an effective partnership of all role-players involved.

The role of the social worker is important here, for the assessment of the exact skills required in training development of a disabled person would come under the control of the professional staff, the occupational therapists and physiotherapists, co-ordinated by the social worker.

The definition by the Washington Group (Maddans:2006) intensifies clearly the help needed by others. The social worker helps not only to identify the integral basic needs of the disabled, but to further identify restrictions in the disabled person when striving to achieve more advanced needs, like training, as well as having to confront the many risks involved when aiming to accomplish these needs.

The social worker was referred to earlier as a co-ordinator or a liaison officer, and needs to be operating within a multifaceted team and enlarging on the definition of the Constitution,1996, calls for and demands equal rights and opportunities for all.

The Constitution, 1996 requires that municipalities must maintain professional administrations, therefore a multifaceted approach by all the role-players concerned could support this approach, leading to the disabled also being given many opportunities in their life.

Homes for the disabled and the services they offer need to be promoted / advertised in the community. Not only the basic needs of the disabled, but their contribution to the bigger picture is important. A home for the disabled upholds the by-laws of the Municipality in order to establish a high “standard” by which the home must operate.

The home for the disabled can serve a twofold purpose. Firstly it offers the disabled a sense of security and of belonging, secondly it gives to the disabled a belief in themselves that allows them to reach out into the bigger community. It is the security the disabled receives within the home that allows them ultimately to reach out into the community. When doing so, their pride and self-esteem should not be destroyed. Service delivery like ramps, toilet facilities and other related issues connected to the disabled must all be in place.

According to Ngwena (2006) the Social Model defined the need for an holistic approach to the development of the disabled. The criteria set by a home for the disabled will uphold this high level of performance. The Medical Model, despite its limitations offers protection within the homes for those disabled not wanting to venture into the wider community. Protective workshops are seen as employment in this situation and a form of solace and recluse. The disabled themselves seek to express their culture. This implies full participation into society and no longer simply being a token gesture to the community. Ngwena (2004) dealing with the Substantive Equality Model, stated that if there is inequality as perceived in the disabled this was linked to inequality in the environment, the two could not be separated.

With the principles of Batho Pele comes consultation, service, information and transparency. The disabled have a right to access of an issue that is necessary for their advancement of their position. Failing this, redress of the issue to council becomes automatic. The disabled are entitled to confront the relevant local government department with the issue before them, and in the end receive a satisfactory solution.

What is important is that every disabled person is unique to the situation from one disabled person's approach to another disabled person's approach. Council must throughout be sensitive to the "adaptation process" of each disabled person. A blind person will adapt to a situation differently to a disabled person in a wheelchair.

For everyone to be involved in the process is exhaustive and requires a great deal of training and development. To build a house for a disabled person, for example, involves many officials, architects, builders, electricians, plumbers, and other role players. Promotion of the disabled involves a networking between officials from many diverse departments within local government in order to apply and implement the relevant by-laws.

Disabled people are not "disabled" they are simply living with a disability. Disabled people do not want self-pity. Disabled people want opportunities. There is no need to change the disabled person, only attend to the issue the disabled person has and adapt accordingly. What is being called for is not just giving attention to the needs of the disabled but clearly an "adaptation" process to how their needs will be fully met.

The transformation process through change incorporates democracy, and not exploitation. This is strengthened by Bekink (2006) when stating a requirement of local government is to ensure representation, participation and accountability: it is no longer only the official but also the disabled themselves that should be seen to be contributing to the democracy of the community.

The Policy Guidelines for People with Disabilities B-H (6-2005) is a policy "for the people" incorporating all concerned. The ward committee members embrace this policy and do not hesitate to approach the appointed member of

council when seeking an answer to a disabled question. On many occasions this is a result of the disabled themselves approaching their ward committee member who represents the portfolio of health / disability. The disabled may be seeking guidance on any issue restricting their advancement.

Bekink (2006) highlighted that local government needed to offer support and sustainability. The ward committee members performs an important role in effecting this need for the disabled in the community.

The White Paper on an Integrated National Disability Strategy (1997) stated an end to disability as a welfare issue, with the need to recognise disability as a “Human Rights” issue within the community. The White Paper proposed the following:

- An integration of disability issues into local governments strategy. This is happening with basic issues being attended to, notably, toilets, ramps, but no financial assistance into the bigger issues, like housing, transport, is being seen.
- An integrated management system to co-ordinate disability. This is happening with Forums, Workshops taking place, but there are no progress report backs to council or the portfolio committee on an ongoing basis, nor is there effective monitoring of the situation.
- Development of capacity building strategies. This is happening with the ward committees and the management of homes raising relevant issues, but there is no appointment of a liaison officer ready to intervene on disability issues on behalf of all the role-players concerned.

- Public awareness campaign related to training and skills development. This approach has never been considered.

In the Ekurhuleni Metropolitan Municipality the disabled are not receiving the standard of service required to answer their needs. A certain amount of progress has been made, reflecting their inclusion within the transformation process. However issues notably, housing, transport, education, skills development and job opportunities need urgent attention. Once these concerns are addressed and fully implemented into the process then the powers and functions given to the Ekurhuleni Metropolitan Municipality can be said to be operating effectively.

5.2 CONCLUSION

The intention of the study was to ascertain the position of the disabled within the local government transformation process since the inception of the new dispensation. It was significant to ascertain the impact of the transformation process in local government, notably the Ekurhuleni Metropolitan Municipality, particularly with regards to the advancement of the disabled during this period.

The Constitution, the White Paper on Local Government, the White Paper on Disability, and various policies on disability, from the Ekurhuleni Metropolitan Municipality, were used to establish the position taken on the issue of disability.

Much has been said and written on disability, the effect it has had on the disabled, and its effect on the bigger community, however, it remains a

concern. While much has been done for the disabled, there has been little impact on either disabled peoples' lives or on society as a whole.

Six interview questions were discussed, and on the basis of this discussion it was determined that the disabled are included in the transformation process, they are recognised in terms of their basic needs of accommodation, accessibility, incorporation, and lastly for establishing a career.

What is of concern is that the impact it should have had on the disabled remains untouched. The disabled are recognised and the disabled are being sustained. Sadly, what is not being acknowledged is that it borders on the line of simply survival, being maintained, with little opportunity for upliftment and self-gratification. The disabled are being marginalized. There are homes for the disabled, but they offer the most basic requirements that are necessary with no opportunity for training, skills development or job creation. What jobs there are falls into the category of Protective Workshops, managed by the homes with little financial reward.

Forums and workshops have helped to identify the disabled persons' needs. These needs must now be incorporated in a way that leads to the disabled functioning and operating as one within the greater infrastructure of society.

Financial constraints need to be addressed. The Substantive Model depicted the imbalance of the life of the disabled person reflected directly on the imbalance of the environment as well. Both need to be addressed if a working solution is to be found.

Even more importantly, accountability from all role players is needed and cannot be ignored. Allow the Batho Pele Principles to work, where everyone

involved in the process of transformation, involving the disabled are being held accountable.

Much more research needs to be done on disability, research that may lead to a complete overhaul of local government policy on disability. This research could well show that legislation on disability may well need to be reviewed from National Government resulting in major impact and changes being seen at all three spheres of government.

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