Disability and Workplace Inclusiveness; Regulatory and Structural Experiences from Developing Economies: A Case of Selected Organizations in Kampala Metropolitan, Uganda

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FRED HIGENYI WAHITU
Uganda Management Institute
fwahitu@umi.ac.ug

BEATRICE GUZU
Uganda National Council on Disability
info@ncpd.go.ug

Abstract

Creating an inclusive workplace for all potential and current workers has for some time been a matter of concern to management scholars and practitioners. There exists substantial evidence that stakeholders have been making efforts to create inclusive workplaces aimed at enabling PWDs to access, stay and perform. This study interrogated such efforts, and the lived experiences of PWDs in the workplace. The main questions were: Are the PWDs enabled to physically access the workplace? Are PWDs provided with tailored facilities that enable them to work? Are they provided with support services? This study utilised a multiple case study design that provided for both comparing and substantiating emerging content and themes. The preferred in-depth interviews from 16 participants and document reviews enriched the empirical study. The findings showed that implementation of the regulations and structures was piecemeal, and also inadequately focused on a few types of disabilities. Discrimination still exists, with employers considering employing PWDs as being costly to the organisation. We recommend that more efforts, especially with regard to enforcement or provision of incentives to employers, is prioritised. Furthermore, government needs to update and sensitise the public about the different forms of disability, especially the hidden ones.

Keywords: Disability, Workplace, Inclusiveness

Introduction

A disability is a recurring impairment that a person may have been born with or acquired in their lifetime that makes it more difficult for them to do certain activities or effectively interact with the world around them (Employment Equity Act in South Africa, 1998). In addition, Kulkarni, Boehm and Basu (2016) consider disabilities as social and medical non-conformities, with the potential to limit or exclude the affected person from full societal interaction and harnessing. The inabilities emphasised in much of the literature fall in the physical, cognitive, developmental, intellectual, sensory and mental domains or comprise a combination of features (Forber-Pratt, Lyew, & Mueller, 2017; Sango & Deveau, 2022; Yuliya & Joso, 2016). Nurhayati (2020) adds that such affected persons share a common ground for 'discrimination'. As a result of the impairment or condition that may limit one's ability to perform as well as the temporarily able-bodied, persons with disabilities (PWDs) face several challenges both in social life and across the employment spectrum (Schur, Colella, & Adya, 2016; Nurhayati, 2020). Such barriers are structural and attitudinal, and span identifying potential employers, being considered for appointment on merit during the hiring process, as well as securing adequate accommodation, facilities and support services.

More often than not, PWDs are unnecessarily discriminated against and excluded from full participation at the workplace (Nxumalo, 2020; Ronnie & Bam, 2020). Global reports indicate that the employment rate for PWDs was still very low in comparison with people without disabilities or the temporarily able-bodied (Schur et al., 2016); with only about 53% of male PWDs and less than 25% of female PWDs being in gainful employment (Maini & Heera, 2019; Beatty, Baldridge, Boehm, Kulkarni, & Colella, 2019). Furthermore, Kulkarni et al. (2016) revealed that PWDs were more likely to be hired at the entry levels, and for semi-skilled jobs, hired last and fired first, especially in times when the economy was not doing well. Review of literature further highlighted the fact that PWDs often found it a challenge to obtain full-time employment compared to their counterparts without disabilities (Beatty et al., 2019). Moreover, the challenges PWDs face in accessing employment seem to be exacerbated by immobility to some locations and age, with younger PWDs enjoying higher employment rates than those who are older (Maini & Heera, 2019). Beatty et al. (2019) further assert that disability type, too, influenced discrimination, with PWDs with psychological and mental disorders being less likely to be hired.

In addition to the obligation to fulfil the requirements of the law and the incentive of tax exemptions, government departments and large organisations were more likely to recruit PWDs (Maini & Heera, 2019). Unlike the larger companies, employers in smaller private sector organisations contended that hiring PWDs was one thing but creating an environment within which they could perform was another. Larger organisations were

thought to be better resourced to cater for the costs of providing reasonable accommodation, facilities and support to create an environment for PWDS to work effectively (Kulkarni et al., 2016). Further improvements would entail job modifications, installing accessibility features in the buildings, and providing for specific expertise to handle the unique demands of PWDs. Sectors such as mining, agriculture or manufacturing industries found it more complicated to employ PWDs since provision of health insurance to mitigate the inherent risks of hiring individuals with disabilities would require technical experts within the organisation (Graham, McMahon, Kim, Simpson, & McMahon, 2019). Moreover, employers fear that PWDs are likely to be less productive compared to people without disabilities, which would lead to further losses (Schur et al., 2016). Inaccurate knowledge of how to create an inclusive work environment and the employer attitudes had the negative effect of low employee performance, negative citizenship behaviour and eventual high turnover (Schur et al., 2016).The world of work has for long been dominated by persons without disability (Bredgaard & Salado-Rasmussen, 2020; Ronnie & Bam, 2020; Kuznetsova & Bento, 2018). In order to reverse the unfortunate situation, efforts aimed at enabling the entry, stay and performance of PWDs in the workplace have been adopted globally (Maini & Heera, 2019). The International Labour Organisation (ILO) Strategy and Action Plan (2014 – 2017) provides for the promotion of the employment rights of PWDs as a commitment towards the promotion of social justice – in the form of equal opportunities in the world of work. ILO does this partly through its code of practice on managing disability in the workplace which is aimed at enhancing the elimination of discrimination. Other international institutions that attest to the plight of PWDs include the United National Conversion on the Rights of PWDs (UNCRPD) (2006). The Persons with Disability Act (2020) Uganda provides for tax incentives for organisations employing 10% workers with disability or more to reduce the possible costs associated with employing PWDs (Ronnie & Bam, 2020; Nxumalo, 2020). In tandem with the actions taken by ILO and other global partners, which have come up with the provisions that promote social justice for PWDs, various countries have enacted frameworks and created ministries, departments and agencies meant to increase the number of PWDs in the workplace. In furtherance of government commitment, Vocational National Rehabilitation Centres were developed (Beatty et al., 2019). These institutions were meant to provide skills to PWDs that would enable them to work in specific organisations. Whereas the spirit of such an arrangement was to ensure that PWDs got employment, it had the disadvantage of limiting their choices since it focused on vocational work, leaving out office work; and this in itself was discrimination.

Diversity, equity and inclusion are pillars of a successful, modern workplace. At every company, current employees and prospective new hires alike should feel that they have an equal opportunity to work and grow their careers. There is no current lack of empirical studies investigating workplace discrimination and the challenges faced by PWDs in the workplace (Kulkarni et al., 2016; Schur et al., 2016). This paper reviewed inclusivity at the

workplace and the lived experiences of PWDs. Previous literature was inconclusive or made little attempt to demonstrate the linkage between regulatory and structural frameworks aimed at enhancing workplace inclusivity and the larger question of why the employment rate for PWDs was very low. Why was retaining PWDs a challenge? Why was it difficult for them to perform as well as the persons without disability? Away from tailored vocational institutions and NGOs in the PWDs fraternity, the main questions that we sought to answer were: *Are the PWDs enabled to physically access the workplace? Are PWDs provided with tailored facilities that enable them to work? Are PWDs provided with support services?* The study focused on selected organisations within metropolitan Kampala City Council Authority (KCCA), as it is the capital city of Uganda. It was expected to have implemented the regulatory provisions since it had the elites believed to understand the plight of persons with disability and is better resourced.

Methodology

We (researchers) believe in interpreting ideas and unlearning emotions expressed between the participants and researcher(s) in order to co-construct new meaning (Creswell & Creswell, 2018). As such, we utilised an exploratory multiple case study design meant to have an in-depth understanding of the workplace environment within which PWDs operate and their lived experiences. The multiple case study design enabled exploration of multi-sites from which we selected individuals representing relevant categories to the phenomenon. Furthermore, multi-faceted perspectives regarding complex experiences of PWDS in the real-life workplace were generated (Crowe, Cresswell, Robertson, Huby, Avery & Sheikh, 2011).

The design entailed purposive selection of sites, including the ministry the responsible for matters related to PWDs, an urban authority, an umbrella association for PWDs and a for-profit organisation. The categories participants included political leaders, technical managers, as well as employees with and without disability thought to have rich data and to be in a position to best enable us to answer the research questions.

The technical managers and the political leaders were critical to the study since they are pivotal in determining the work environment, as well as assessing the performance of employees, including those with disabilities. The employees with disabilities provided information relating to their lived experiences in the workplace, while employees without disabilities substantiated the information, making it credible and trustworthy (Creswell, J & Creswell, D, 2018).

We employed document review, laying the foundation for appreciating the efforts towards creating an inclusive workplace. These included reports and policies such as the human resource policies of the National Union of Disabled Person of Uganda (NUDIPU) (2018), the

Public Service Standing Orders, and the human resource manual for the profit organisation. In addition, face-to-face in-depth interviews involving 16 participants were conducted, leading to a point where no new ideas were being provided. The interviews provided critical data regarding the gaps in the implementation efforts of the regulations, and the continued discrimination. Thematic and content analysis was employed, enabling the researchers to observe patterns of ideas.

Discussion of Findings

Analysis of data from both the documents reviewed and the interviews indicates that efforts at international and national levels are in place to ensure the inclusivity of PWDs (Bredgaard & Salado-Rasmussein, 2020; Kulkarni, 2016). Such efforts include governments' ratification of international conventions, the enactment of national laws and putting in place structural frameworks such as government ministries, departments and agencies responsible for matters concerning PWDs, and creating an environment for non-government organisations (NGOs) to partner with government (Beatty et al., 2019). In addition, in Uganda, government implemented affirmative action by providing recruitment quotas for PWDs on public sector boards and commissions and in political positions, including Parliament (Persons with Disabilities Act, 2020). Such efforts were not only meant to ensure the employment of PWDs, but would, in addition, provide a platform for further advocacy and enhance the appreciation of PWDs' uniqueness, thus justifying the need to support them. Though there is substantial evidence of international and government efforts, it is apparent that enforcement is varied across countries, sectors and organisations – with the private sector being less accommodative of employing PWDs (Kulkarni et al., 2016; Beatty et al., 2019).

Governments' endeavours to create an inclusive workplace environment is informed by the need to guarantee the right to employment by all persons, enhance the opportunity for PWDs to contribute to the economy through taxes, and ensure their engagement in development investments. Unlike governments' responsibility to reduce unemployment, especially among the marginalised, the private sector is driven by profit. As such, private sector organisations view employment of PWDs as likely to 'eat' into their profit when they provide specialised equipment and personal support, and make adjustment to buildings to enable access. However, unlike the generally conceived perception that PWDs are less productive compared to persons without disability, expect favours and are costly to employ, the findings reveal otherwise. PWDs are able to perform as well as persons without disability when supported and facilitated. This is partly explained by the high levels of concentration and ambition among PWDs and their being less likely to leave their jobs unlike persons without disability that can easily be distracted and mobile (Kulkarni et al., 2016). Additionally, for any organisation to achieve its goals, there is need to set clear goals, and also to provide job descriptions, tasks and improvement plans. This is attested

by evidence from this study, which indicates that PWDs performed as well as persons without disability in organisations that had clear job descriptions and set clear targets. Given the special nature of PWDs, a proactive employer would equally think of conducting a job match or, where necessary, modifying position tasks depending on the form of disability. Kulkarni et al. (2016) emphasise that it makes business sense to hire from a diverse talent pool, including from among PWDs, rather than over-stating the cost involved. Management should engage in a cost-benefit analysis while attracting, as well as ensuring stay and job commitment for both PWDs and persons without disability. Moreover, organisations need not think only about economic gain but also moral ethos.

An inclusive workplace is one that enables access, provides physical and emotional safety, and provides equipment for work as well as support for all, irrespective of gender, disability or any other dimension of marginalisation. With regard to physical accessibility, the findings established that most of the study sites had no ramps, walking rails or lifts with speech or braille signs that would enable PWDs to access office premises (Kuznetsova & Bento, 2018; Ronnie & Bam, 2020). The findings are in line with a research report (2017) from the National Council for Disability (NCD), which revealed physical inaccessibility of several office premises. Furthermore, the findings were in agreement with the physical accessibility and facilities audit report carried out on selected public and private institutions in Kampala Metropolitan (EOC report, 2016), which indicated that most institutions and facilities sampled did not score highly on physical accessibility ratings. Moreover, the width of office rooms was insufficient, and the offices did not have toilets for PWDs. Lighting of the office premises was further cited as insufficient, especially for those with low vision, making it difficult for them to navigate the workplace environment freely. This is in contravention of the Uganda Persons with Disabilities Act (2020) which provides for the physical accessibility of workplaces to enhance the productivity of employees with disabilities (Knight & Oswal, 2018; Nxumalo, 2020; South African Employment Equity Act, 1994). It is worth noting that the demand for an enabling workplace environment is universal since most of the PWDs requirements are shared with persons without disability. Additionally, Graham et al. (2019) argue that claims by managers that designing buildings to provide for access to premises by PWDs was expensive was not true, since the installation of ramps alongside stairs is a one-time expenditure if done proactively.

The findings indicate that employers acknowledge the uniqueness of PWDs and, as such, the need to provide tailored facilities for them to work as much as the persons without disability (Kuznetsova & Bento, 2018; Mapping Report NUDIPU, 2016). Such an appreciation has two possible implications: one is the creation of an inclusive performance environment by providing the support services; and the other which, unfortunately, seemed to be the easier way out, was neglect, based on considering the provision of such support services as a cost. The study revealed that specialised and alternative technology

equipment that enhance the performance of employees with disabilities were generally not available in the organisations. Specialised and alternative technology equipment for PWDs include user-friendly computers with speech or magnifiers, user-friendly mobile phones with speech software, and adjustable furniture (Dali, 2018).

The probable reason for such dismal support, in the case of Uganda, is the lack of a legal provision for the establishment of a fund to provide support services in the form of sign language interpreters and/or guides/personal assistants, unlike the Kenya Persons with Disabilities Act (2012) and the South African Employment Equity Act (1994). Van (2011) opines that the provision of deliberate budgeting for support services to PWDs would contribute towards the creation of a favourable work environment, and enhance performance. The research report (2017) from NCD also agrees with Van while revealing that Members of the Uganda Parliament with physical disabilities are provided with personal assistants, i.e. the ones with visual impairments are given guides/readers, and the ones with hearing impairment are assigned sign language interpreters to aid their performance in Parliament. As a result of the availability of the support services, Members of Parliament were able to enact disability-friendly laws as compared to councillors with disabilities in the lower local governments, who barely enacted ordinances. Given the difficulties encountered by PWDs in their social and work environments, support services such as guidance by personal assistants would be handy within and outside the organisational premises. Piecemeal provisions were, however, evident. For instance, in the urban authority such services were available to only political leaders and senior managers with disability, especially while at work and during activities like meetings.

The role of managers in ensuring an inclusive work environment needs no emphasis. As proclaimed by Bredgaard and Rasmussen (2016), they are the gatekeepers of the companies. Managers determine an inclusive budget, who and how employees are to be recruited through policies, and whether or not to have a diverse culture (Kuznetsova & Bento, 2018; Ronnie, 2020; Nurhayati, 2020). As such, their attitudes and actions or inactions are important in determining an inclusive workplace. The apparent reluctance to implement laws and regulations, as revealed in the study, could imply the employers' apathy towards or ignorance of the law (Nxumalo, 2020). The dismal provision of facilities to PWDs further reveals that several employers did not have tangible strategies to address the need or considered it as an unnecessarily cost. A more productive manager, in the sense of one that appreciates PWD inclusivity, would engage in sensitising and encouraging people without disabilities and PWDs to support one another while at workplace as a way of not only ensuring psychological safety but as an approach to cost-sharing (Kulkarni et al., 2016). With the creation of a healthy work environment, the PWDs can move around the building without support since they will have mastered the place. Managers could also develop job descriptions where a personal assistant could be given other assignments through job carving to cut down on costs.

Does discrimination towards PWDs still exist in the workplace, given the regulations in place? Unfortunately, yes. Ignorance, fear and stereotyping are still rife, denying PWDs the opportunity to enjoy their full rights to employment and making them vulnerable to being dominated. This is mostly expressed in a latent rather than overt form, probably owing to the existing regulations and growing awareness (Rieser, 2018; Ronnie, 2020). Whereas literature is not without evidence of efforts such as affirmative action regarding the enforcement of quotas while appointing PWDs on boards and commissions and in political positions, the findings indicate that that employment rate for PWDs is still low (Ronnie & Bam, 2020; Persons with Disabilities Act, 2020). It is possible that challenges, including limited access to information regarding job opportunities and fear of or actual discrimination during the hiring process, were responsible for low turnout during interview processes. This is compounded by the setting of unfair criteria for hiring to exclude PWDs, keeping disabled employees in low-status jobs, and paying them low salaries on average (Beatty et al., 2019).

On further analysis of the data, we found that discrimination was not experienced in all organisations. PWDs were mostly employed in government agencies and NGOs meant to advocate for inclusion, and these created the right environment through the development of enabling policies, and through PWD-friendly design and redesign of buildings as well as the provision of support. The policies guided facilitation and support, and demonstrated the will of the organisation to provide an inclusive work environment (Kulkarni, 2016; Richards & Sang, 2016). The findings indicated that in such organisations, the relationship between employees with disabilities and those without disabilities was cordial. The staff without disabilities felt a moral obligation to help staff with disabilities where they had shortfalls – thus complementing one another. Such a spirit of humanity gave confidence and encouragement to PWDs to remain at the workplace and enhanced their performance. For ease of communication and relational building, it was encouraged that people working with PWDs learn sign language and gain skills in writing reports in braille to ease reading. A closer picture of the finding is revealed by Schoyen (2015), who considers the Nordic countries as 'generous welfare states', especially in terms of how they treated PWDs. Governments in these countries sheltered jobs to ensure the placement of PWDs, in addition to subsidising the costs private and public sector organisations incurred in connection with the employment of PWDs.

The study revealed that in the effort to provide an inclusive environment, challenges like the inability to provide specialised wellness programmes were not catered for. The lack of exercise for PWDs was responsible for health problems like obesity, diabetes and high blood pressure. It was further cited that apart from the legal provisions and affirmative appointments on boards and commissions by government, much of the implementation of programmes that improved the lives of PWDs was left in the hands of development partners. This had the disadvantage of restricting the priorities for support. Donor

dependence hindered the possibilities for supporting capital developments like accommodation, as well as the provision of specialised training, expensive assistive devices and counselling services. In addition, donors provided low salary support to employees working in the PWDs fraternity organisations, making it difficult to attract talent.

Conclusion

Interrogating the implementation of the legal and structural frameworks for the provision of a PWD-inclusive work environment in Uganda was the mainstay of this study. It was clearly shown that while substantial legal and structural frameworks at both international and national levels did exist, implementation remained dismal and piecemeal. An inclusive PWDs workplace environment that prioritised accessibility and provided reasonable accommodation, as well as specialised equipment and support services were not existent, to say the least. Employer actions or inactions, including those in public organisations, were hardly attested to a commitment to hire and create an inclusive environment. The regulator and enforcer of the laws both equally seemed disengaged in ensuring that consideration for PWDs were implemented. More often than not, employers chose a person without disability over one with disability even when they seemed to appreciate diversity.

The need for countrywide and organisation-wide education and training, sensitisation and affirmative recruitment of PWDs by government in order to encourage other sector employers to recruit, provide assistive equipment and support PWDs is apparent. There is need to revitalise the policy of incentivising employers through tax reductions for organisations in which 10% or more of the employees are PWDs. This would make hiring PWDs more attractive. Alternatively, government should consider tax exemption for PWDs such that they provide for support services by themselves.

An enabling culture should be enhanced right from the on-boarding of staff and throughout one's career through activities like whistle-blowing about discrimination against PWDs. This would over time eliminate even the unconscious bias from managers and fellow employees. Enforcement should be demanded at organisational level through policy development and actions aimed specifically at addressing the inclusivity of PWDs.

Urgent need for updating both visible and hidden forms of disability was expressed. We may need a more universal understanding of the forms of disability that goes beyond the current context-based definitions. The lack of uniformity in enlisting the various forms of disability would disadvantage those suffering from the less known forms from gaining from programmes meant to uplift the lives of PWDs, such as affirmative appointments or presenting themselves for political positions on grounds of disability.

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