



KENYA PLANT HEALTH INSPECTORATE SERVICE

DISABILITY MAINSTREAMING POLICY GUIDELINE

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FOREWORD

Persons with disabilities are a distinct group whose needs, capacities and aspirations require special attention. In a world that is vast changing and determined to incorporate all persons in development,

The issues of disability have recently been gaining recognition worldwide. Deliberate efforts to integrate people with disability into development are central towards achieving sustainable development goals.

KEPHIS is committed to the provision of necessary opportunities and services to persons with disabilities. The purpose of formulating this disability mainstreaming policy is therefore to ensure that KEPHIS provides an environment where there is equality of opportunities and where persons with disability can enjoy a quality work experience.

The policy provides clear guidelines regarding the position of KEPHIS with regard non-discriminatory practices, effective participation, equity and respect to persons with disabilities.

This policy has been formulated in line with the requirements of the Constitution, Persons with Disabilities Act (2003), Employment Act and other legal requirements. It therefore, provides guidelines and strategies on the entrenchment of disability mainstreaming issues into our various activities, services and facilities in KEPHIS.

The staff of the Service pledge to dedicate themselves to the successful implementation of the legal requirements on affirmative action.

The Service is therefore committed to be accountable for implementation of this policy.

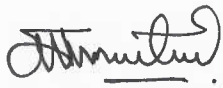
HON. PETER WERU KINYUA

CHAIRPERSON, BOARD OF DIRECTORS

PREFACE

As part of KEPHIS initiative to ensure nondiscrimination of persons with disabilities, this policy aims at promoting a safe, accessible and healthy work environment conducive to needs of employees with disabilities. The policy also aims at ensuring that there is adequate allocation of resources for disability mainstreaming and the sensitization of staff to increase their awareness on rights of persons with disabilities.

Further the Policy aims at ensuring at least 5% employment of staff with disabilities, facilitate employees with disabilities to access facilities and ensure that the needs of staff with disabilities are catered for in the discharge of human resource functions in the work place. The various strategies laid out in this policy create a clear framework for decision making to ensure that disability mainstreaming manifests in all functions and activities in KEPHIS. Implementation of this policy will therefore go a long way in improving the wellbeing of staff living with disabilities and in the process maximize their contribution to service delivery.



PROF. THEOPHILUS M. MUTUI (PH.D.)

MANAGING DIRECTOR

Definition of Terms

Disability - Means a physical, sensory, developmental, or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation.

Societies - An organization or association of persons engaged in a common profession, activity, or interest.

Disability Mainstreaming - a strategy through which concerns, needs and experiences of persons with disabilities are made an integral part or dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres

Reasonable accommodation - appropriate measures, which are needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer, and in which case, the burden shall not be disproportionate

Abbreviations

WHO	World Health organization
KEPHIS	Kenya Plant Health Inspectorate Service.
NGO	Non-Governmental Organizations
NCPWD	National Council for Persons with Disabilities
PWD	Person with Disability
ILO	Internal Labour Organization
PSC	Public service Commission
UNCRPD	United Nations Convention on Rights of Persons with Disability
SDGs	Sustainable Development Goals
MDGs	Development Goals
MDAs	Ministries Departments & Agencies
MOH	Ministry of Health
CoK	Constitution of Kenya
ADL	Activities of Daily Living
ACHPR	The African Charter on Human and People's Rights

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BACKGROUND

Vision

Healthy plants, safe trade and sustainable agro-environment for a prosperous Kenya.

Mission

To provide a science based regulatory service by assuring plant health, quality of agricultural inputs and produce for food security, globally competitive agriculture and sustainable development.

Strategic Objectives

- ❖ To protect plants from pests, weeds and invasive species.
- ❖ To facilitate review and strengthening of the policy, legal and regulatory framework, so that it is in tandem with both local and international agricultural sector emerging issues.
- ❖ To contribute towards improved levels of agricultural productivity.
- ❖ To support compliance to market requirements.
- ❖ To build adequate technical and infrastructural capacity to facilitate efficient and effective delivery of the KEPHIS mandate.
- ❖ To mobilize adequate financial resources and ensure optimal allocation and utilization to enable full implementation of planned programmes and activities.
- ❖ To enhance synergies through information and resource sharing with stakeholders and partners.
- ❖ To enhance the visibility and corporate image of KEPHIS

Core Values

- ❖ Customer focus
- ❖ Professionalism and Integrity
- ❖ Teamwork
- ❖ Results Oriented
- ❖ Innovation and Creativity
- ❖ Corporate Social Sustainability

1.0 INTRODUCTION

As Kenya is developing there is a need for promoting more inclusive societies and employment opportunities for people with disabilities, and women and men with disabilities can and want to be a part of the productive members of the society. This promotion requires an improved access for people with disabilities to basic education, vocational training relevant to labor market needs and jobs suited to their skills, interests and abilities, with adaptations as needed.

Societies are now recognizing the need to assemble a friendlier physical environment that is accessible by the people with disability, and also providing information in a variety of formats, and challenging attitudes and mistaken assumptions about people abled differently.

Rationale

As part of the public sector, KEPHIS needs to adopt a disability mainstreaming policy that is in line with the Government policies. This need arose from the realization that without a coherent and comprehensive overall framework for guiding the different sectors and agencies involved in development, tremendous human capital may be lost. This policy asserts the need to promote equal access to opportunities and active participation of persons with disabilities through participation in the planning and review of this policy, capacity building, advocacy and resource mobilization.

Policy Statement

This policy will promote while ensuring equal and fair practices that embrace affirmative action on recruitment, career progression, rehabilitation and habilitation for persons with disabilities. The policy will focus on implementation, monitoring and evaluation of programmes and activities fostering disability mainstreaming.

Objectives

The overall objective of the Disability Policy is to guide KEPHIS on disability mainstreaming to ensure the needs and concerns of persons with disabilities are met as enshrined in the CoK 2010 and PWDs Act 2003.

The specific objectives of the policy are:

- a) To enable persons with disabilities to have equal access to economic and employment opportunities at KEPHIS.
- b) To provide information within the Service on the recruitment of those with disabilities.
- c) To create an accessible and facilitative work environment for all employees, attachees' and interns.
- d) To assist staff who develop a disability during their employment to adapt to the disability with reasonable accommodation at KEPHIS.
- e) To ensure that employees are continuously sensitized on disability etiquette and PWDs at KEPHIS.
- f) To establish and operationalize Disability Mainstreaming Committee with 30% representation of PWDs.
- g) To establish structures and systems that ensure persons with disabilities access information and services.
- h) To ensure progressive realization of attaining the 5% on elective, appointive, contractual of all recruited personnel in appointments, employment/promotion for persons with disabilities.

1.1 Legislative and Policy Framework

The United Nations Convention on Rights for Persons with Disability (UNCRPD) sets out the rights of Persons with Disabilities generally. In respect to employment, Article 27 protects the right to work on equal basis with others, the right to just and favorable working conditions including equal opportunities and equal remuneration for work of equal value, safe and healthy work conditions and the right to technical and vocational training.

Marrakesh Treaty 2013 -The Treaty is premised on the principles of non-discrimination, equal opportunity, accessibility and full and effective participation and inclusion in society. The treaty seeks to bridge the gap on the challenges faced by PWDs such as the freedom to seek, receive and impart information and ideas of all kinds on an equal basis with others, while ensuring copyright protection as an incentive and reward for literary and artistic creations.

The treaty requires that State parties allow persons with disabilities to access published materials without infringing on copyright.

The International Labour Organization (ILO) promotes rights at work, encourages decent employment opportunities, enhances social protection and strengthens dialogue in handling work related issues.

The Constitution of Kenya, 2010 (Chapter 4, Section 54 - Gives special attention to PWDs while providing to meet their needs, capacities and aspirations.)

The Persons with Disabilities Act, No. 14 of 2003, has been the legal instrument ensuring respect for persons with disability before the constitutional provisions. The Act establishes the National Council for Persons with Disability as well as setting out the rights and privileges of PWDs. Section 21 of the Act entitles PWDs with a barrier free and disability friendly environment. This is to enable them to have access to buildings, roads, social amenities, assistive devices, as well as other equipment to promote their mobility.

Employment Act 2007

The Public Officers' Ethics Act of 2003 creates an environment that nurtures respect for diversity including disability. The Act demands of public officers to treat fellow public officers, including PWDs, with respect while discharging their mandate. Article 2, introduces the concept of reasonable accommodation to ensure PWDs the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

1.2 Scope and Application

The scope of this policy shall apply to KEPHIS Directors, Staff and their dependants

1.3 Overview

KEPHIS's Disability Policy seeks to provide equal opportunity for those who are physically challenged in all its operational practices, policies and procedures and thus providing a positive and proactive environment for them to work in.

It mainly focuses on establishment of necessary structures (physical, communication among others), operation of disability mainstreaming committees and sensitizing the

staff on service provision to persons with disability so that they may pursue their work in equality with all other employees. More so, it advocates for 5% of recruited personnel to be persons with disability in instances where they apply.

The progressive paradigm changes in law as with regards to the rights of PWDs has given the Kenya Plant Health Inspectorate Service the zeal not only align itself with the Constitution and other relevant laws but also to re-focus its national socio-economic endeavors to equally allow persons with disability to realize their full potential in a sound environment where they can contribute to the development of the country.

2.0 STRATEGIES FOR DISABILITY MAINSTREAMING IN KEPHIS

KEPHIS is committed to equal opportunities for Persons with Disabilities in employment and will aim to create an environment which enables them to work efficiently and effectively in the delivery of services.

The following strategies and interventions will be adopted to mainstream disability in the Service.

2.1 To enable persons with disabilities to have equal access to economic and employment opportunities at KEPHIS as follows:

- a) KEPHIS shall recommend exemption to all registered employees with disability from tax as provided in the Act upon receiving Tax Exemption Certificate from Kenya Revenue Authority.
- b) Ensure that Job descriptions, advertisements, applications and selection procedures does not exclude or discourage PWDs
- c) Uphold the principle of non-discrimination throughout the recruitment process to ensure equitable opportunities for candidates with disabilities
- d) Ensure that job vacancies and other communication relating to employment are publicized in a format which is accessible to persons with different disabilities including using established Government channels, in large print, in Braille, on radio, on the internet and including providing the job application materials in a range of formats.
- e) Provide reasonable accommodation for candidates with disabilities to attend and participate effectively in the interview process.
- f) Take affirmative action measures to ensure representation of PWDs which may include ring-fencing jobs for priority employment and promotion
- g) Ensure that all job adverts are posted at the NCPWD Job Portal (placement.ncpwd.go.ke) for easy access for PWDs.
- h) Ensure that a person with disability whom it has employed undergoes induction programme taking into consideration the special needs of the officer.

2.2 To provide information within the Service on all staff and the recruitment of persons with disabilities as follows:

- a) The Service will keep an updated database on employees with disabilities.
- b) Ensure that the recruitment process attracts applications from as many qualified PWDs as possible to fulfill at least the five (5%) percent statutory requirement.
- c) Ensure that job vacancies and other communication relating to employment are publicized in a format which is accessible to persons with different disabilities including using established Government channels, in large print, in Braille, on radio, on the internet and including providing the job application materials in a range of formats;
- d) Provide reasonable accommodation for candidates with disabilities to attend and participate effectively in the interview process.

2.3 To Create an accessible and facilitative work environment for all employees, attachees and interns as follow:

- ❖ KEPHIS shall ensure that all its premises are accessible to persons with disabilities as provided for in the guidelines.
- ❖ Provide internship opportunities to applicants with disabilities so as to acquire skills, knowledge and work attitude required for jobs in the work place
- ❖ Document experiences learnt from recruitment, internship and attachment with a view to improve future strategies and policies on mainstreaming disability related issues.

2.4 To assist staff and dependants who develop a disability during their employment to adapt with reasonable accommodation at KEPHIS as follows:

- a) Medical cover- Lobby for an enhanced medical cover for its staff and their dependents who require life-long care.
- b) Provision of assistive devices
- c) Rehabilitation and habilitation
- d) Retraining
- e) Redeployment where necessary
- f) Provision of adaptive technology

2.5 To ensure that employees are continuously sensitized on disability mainstreaming at KEPHIS as follow:

- a) Communicate the strategies for mainstreaming disability in the workplace to all members of staff in a language which can be easily understood including using modern technology, Braille, Kenyan sign language, large prints, signage and other modes of communication
- b) Provide for a forum for dialogue on mainstreaming disability related issues at the workplace.
- c) Ensure induction programmes for new staff and every public officer assuming managerial or supervisory role include a disability awareness session
- d) Encourage its service providers on mainstreaming disability with a view to encouraging good practice and embracing universal design.
- e) Embrace exchange of information and training on mainstreaming disability at the workplace and cooperate with expert agencies, learning institutions and training institutions.
- f) Ensure that PWDs register with the National Council for Persons with Disabilities for maintenance of their data.
- g) Advise persons with disabilities to access employment opportunities from the KEPHIS website, websites of MDAs, the Kenya Labour Market Information System (KLMIS) and the National Council for Persons with Disabilities (NCPWD) Job Portal (placement.ncpwd.go.ke).
- h) Carryout awareness programs to its staff on disability etiquette.

2.6 To Establish and operationalize Disability Mainstreaming Committee with 30% representation of PWDs.

The Service shall constitute and operationalize a DMC consisting of the following

- a) Finance Representative
- b) Human Resource Representative
- c) Procurement Representative
- d) Administration/Front office Representative
- e) Persons with Disability Representative
- f) ICT Representative

2.7 To Establish structures and systems for related adaptations to the work environment for persons with disabilities at KEPHIS as follows:

- a) Develop follow-up mechanisms on new appointees to ensure satisfactory inclusion at the work place.
- b) Progressively provide the disability related adaptive technologies.
- c) Ensure that the performance appraisal instruments are rendered in a format accessible to persons with disabilities in the entity.

3.0 INSTITUTIONAL FRAMEWORK

3.1 Responsibility of Implementing the Policy

The overall responsibility of implementing this policy lies with the Kenya Plant Health Inspectorate Service. The Service will collaborate with other public service institutions as follows;

- a) Public Service Commission
- b) Ministry responsible for Social Protection,
- c) National Gender and Equality Commission,
- d) National Council for Persons with Disabilities
- e) National Cohesion and Integration Commission
- f) State Corporations Advisory Committee
- g) Ministry of Health

The roles of the different actors are as outlined below:

3.2 Public Service Commission

The PSC is responsible for:

- a) Develop and review all human resource policies, procedures and practices to comply with the disability policy;
- b) The implementation of public service regulations, policies, systems and practices that are responsive to the needs of PWDs;
- c) Applying progressively the principle that at least 5% of appointments in the Public Service comprise PWDs;
- d) Promoting dignity for PWDs in the public service;
- e) Monitoring, evaluating and reporting on the implementation of the policy in the Public Service to the President and Parliament; and
- f) Establishing structured linkages with commissions, authorities and independent offices.

3.3 Ministry Responsible for Public Service

The ministry for public service is responsible for:

10	Confidentiality of information	Ensure that all information obtained in relation to PWDs is held in a manner that maintains confidentiality			
11	Attachment and Internship	Provide internship opportunities to applicants with disabilities so as to acquire skills, knowledge and work attitude required for jobs in the work place			
	Strategy	Activities	Progress Indicator	Timeframe	Remarks
12	workplace conduct and etiquette	Include in its code of conduct and ethics provisions which mainstream disability and related issues at the workplace			
13	Accessibility and safety of built environment	Maintain doors and door closers, including checking that the opening forces of self-closing doors are within acceptable limits			
14	Research	Disseminate necessary disaggregated data and information to facilitate policy and programming decisions			