

Exploring Employers' Practices for Persons Living with Disabilities and Employers' Implementation of the Persons with Disability Act in Zambia: A Qualitative Study

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ABSTRACT

Purpose: *The study aimed to explore the employers' practices for persons living with disabilities and employer's implementation post-enactment of the Persons with Disability Act No. 6 of 2012 in the public sector.*

Material and method: *A qualitative phenomenological study design was used, and data was gathered through in-depth interviews with human resource directors, managers, and commissioners. A total of eight participants took part in the in-depth interviews. The analysis was performed using Atlas.ti version 7 software. To allow the themes to emerge from the data, thematic analysis using an inductive approach was used.*

Results: *Only a few persons living with disabilities were employed at the headquarters in the three government organisations. The study found that employers mainly use the Employment Act and do not take the Persons with Disability Act no. 6 of 2012 into account when recruiting. Furthermore, the majority demonstrated a lack of knowledge of the provisions enabling disability inclusion in workplaces as well as awareness of the Persons with Disability Act no. 6 of 2012.*

Conclusions: *The study emphasizes the gap between developing and implementing Disability Act policies. Raising awareness of the Persons with Disability Act No.6 of 2012 and its provisions supporting the inclusion of persons with disabilities in the workforce, as well as strengthening employers' knowledge of these policies, is essential for its successful implementation.*

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BACKGROUND

According to the Bureau of Labour Statistics-United States of America (2022), the unemployment rate for persons with disabilities (10.1%) was nearly twice as high as the rate for persons without disabilities (5.1%). Across all age categories, those with disabilities were significantly less likely to be employed than those without disabilities, and those who were employed were more likely to be self-employed than those who had no disability (United States Bureau of Labor Statistics, 2022). The Australian Bureau of Statistics has also similarly stated that as of 2019, the employment rate for persons of working age with disabilities is lower (48%, or 984,000) than it is for persons without disabilities (80%, or 11.3 million) (Australian Bureau of Statistics, 2020).

Persons living with disabilities face numerous challenges in accessing employment opportunities and experiencing fair treatment in the workplace. In Zambia, there is a growing recognition of the rights of persons with disabilities and the need for inclusive practices in various domains, including employment. The enactment of the Persons with Disability Act in Zambia aimed to promote equal opportunities, non-discrimination, and social integration for individuals with disabilities (Chikwanka & Chiluba, 2020). Zambia, like many members of ILO, has shown great interest in promoting the livelihoods of all persons including persons living with disabilities (Reynaud, 2017). Disability according to the Zambian government is defined as a permanent physical, mental, intellectual, or sensory impairment that alone or in a combination with a social or environmental barrier, hinders the ability of a person to participate in society fully or effectively on an equal basis with others (Disability Act: No. 8 of 2012, 2012).

The Zambia Federation of Disability Organisation, (2017) reported that about 2 million persons were living with disabilities, representing approximately 15% of Zambia's population. The unemployment rate for people with disabilities in Zambia is very high. This is caused by a number of things, such as low skill levels brought on by inadequate education, discriminatory employer attitudes and behaviours, a lack of policies supporting the employment of PWD, unfriendly and inaccessible work environments, insufficient access to information, and ignorance in society (Zambia Agency for Persons with Disabilities, 2016). Banks et al. (2017) found that disability is associated with poverty. This is due to the fact

that few people with disabilities are in active employment. Chilambwe (2013) examined disability and employment from a legal perspective and found evidence of discrimination against individuals with disabilities within the employment sector. The study also shed light on the deficiencies in the implementation of disability-related laws and the under-utilization of monitoring groups such as the Zambia Agency for Persons with Disabilities. Ultimately, the study concluded by emphasizing the importance of self-advocacy among persons living with disabilities and the need to report instances of discrimination, particularly within the employment sector, in Zambia. In 2022, the Government, through the Ministry of Community Development and Social Services, committed to allocating ten percent of the total number of recruitments to people with disabilities, while making efforts to promote entrepreneurship, set up cooperatives and develop skills (Ministry of Community Development and Social Services, 2022).

However, despite the legal framework in place, the actual implementation of the Persons with Disability Act in the context of employment remains relatively unexplored. Understanding the employment of persons living with disabilities and the extent to which employers are implementing the provisions of the Act is essential for identifying gaps, barriers, and opportunities for improvement. By adopting a qualitative approach, the study captured the rich narratives and diverse voices of employers, enabling a deeper understanding of the complexities and nuances surrounding disability and employment in the Zambian context.

Objective

The primary objective was to gain an in-depth understanding of the experiences, perspectives, and challenges faced by individuals with disabilities from the employers' view, as well as practices of employers regarding the implementation of the disability-related legislation.

METHOD

Study Setting

The study was conducted at the headquarters of the Public Service Management Division (PSMD), Ministry of Labour and Social Security, and Ministry of Community Development and Social Services in Lusaka, Zambia. The PSMD is a government institution that manages human resource and recruitment of the civil service for all Ministries in Zambia.

Study Design

The qualitative study was done on exploring employers' practices in the employment for persons living with disabilities and employers' implementation of the Persons with Disability Act in Zambia. We employed a descriptive and exploratory research design to gain an in-depth understanding of the experiences, perspectives, and challenges faced by individuals with disabilities from the employers' view, as well as practices of employers regarding the implementation of the disability-related legislation, the Persons with Disability Act number 6 of 2012 (Chiluba, 2019; Tenny *et al.*, 2022).

Study Sample

To recruit study participants, the study used purposeful sampling. This sampling method provided the opportunity to choose the best, most informative, pertinent, extensive, and readily available participants in order to gain insights and a thorough understanding by providing compelling evidence (Staller, 2021). The study included individuals in administrative and decision-making roles directly involved in recruitment of employees who were willing to participate and available for interviews. All administration positions that were not directly related to civil service recruiting and employment were excluded. There was a total of 8 participants in the study, with a maximum of three participants from each of the three government organizations.

Data Collection

Data was collected from study participants using a semi-structured interview guide. In-depth interviews with human resource directors, managers, and commissioner were conducted to provide in-depth understanding of the employment of persons living with disabilities and implementation of the Persons with Disability Act no.6 of 2012 during recruitment. The interviews covered topics such as employment of persons with disability, strategies to improve the current employment status of persons with disability, awareness of legislation on PLWDs and implementation of the Act. The interviews were conducted both in person as well as by telephone, and they were recorded using a recording device, with notes taken during the session. Throughout the data collection process, all principles of ethics pertaining to confidentiality, privacy, and consent were upheld. The interviews were held at a time and place that was convenient for the participants.

Data Analysis

The data analysis was conducted using Atlas.ti version 7 software. Thematic analysis, following an inductive approach, was employed to allow the emergence of themes from the collected data. This qualitative analysis method involved a systematic review of the transcribed interviews, where coding and categorization were performed to identify significant themes, patterns, and sub-themes aligned with the research objectives. The analysis process followed an iterative approach, including data immersion, familiarization, coding, and theme development. Through this iterative process, common experiences, challenges, and perceptions among the participants were identified.

Ethical Issues

Ethical approval was obtained from ERES Converge Research Ethics Committee with a reference No. 2021-may-098. Permission was obtained from the three institutions to conduct the study. To maintain participant confidentiality, no names were utilized, or mentioned in any subsequent writing. Before the interviews, all participants provided informed consent, and the purpose and method for participation were described to them.

RESULTS

Socio-demographic characteristics of the participants from the interview

A total of eight participants took part in the in-depth interviews. All participants were part of the employment process in their respective ministries. Table 1 highlights the participants' socio-demographic characteristics.

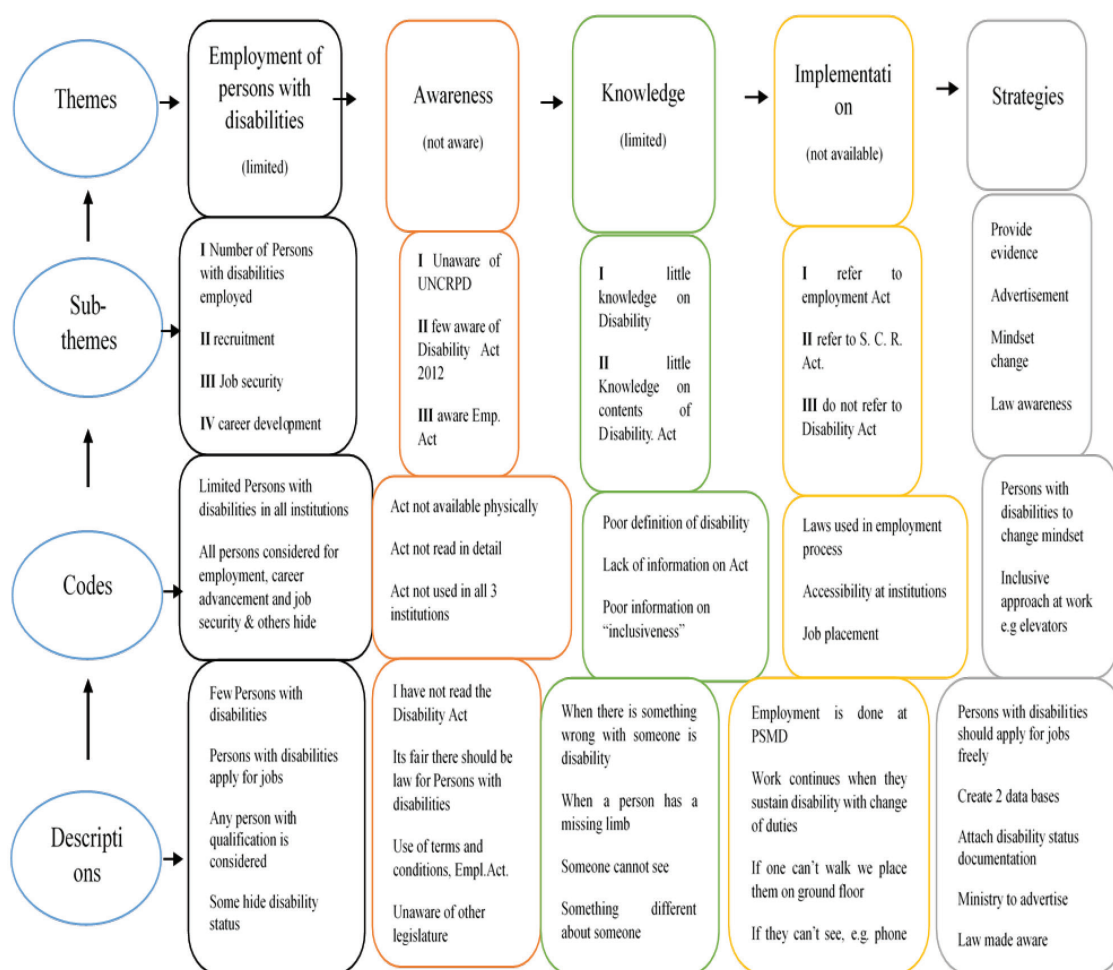
Table 1: Socio-demographic characteristics of Participants who participated in the IDI

Variable	Frequency
Sex	
Male	3
Female	5
Age	35 – 63 years
Work experience	10 – 35 years
Position of participants	
Commissioner	1
Human Resource	2
Deputy director	1
Director	4

Emerging themes from the In-depth interview

Figure 1 shows a summary of the development of themes established in this study. The flow of information is as follows: (i) descriptions, (ii) codes, (iii) sub-themes and finally (iv) themes. The descriptions represent the participants' responses during the in-depth interviews. The descriptions presented were then converted into codes, which helped develop sub-themes and ultimately establish the study's main themes.

Figure 1. Summary of theme development of qualitative part of the study (adapted from Banda-Chalwe et al., 2014)



Employment of persons living with disability

The number of employed persons living with disabilities

The research revealed that there were few persons living with disabilities working at the three government ministries headquarters. According to the respondents, only one person with a disability was employed by the Ministry of Labour and Social Security Headquarters, two by the Ministry of Community Development and Social Services Headquarters, and three by the Public Service Management Division. For many years, persons living with disabilities, particularly those who are blind, have filled the position of a telephone operator. However, no specific positions or jobs are specifically reserved for persons living with disabilities, as they can employ anyone in any position if they qualify.

Recruitment of qualified applicants with disabilities

The respondents stated that Directors and human resource personnel tasked with hiring new employees concentrate on finding the best candidate who is qualified, experienced, and competent. They explained that when they are recruiting regardless of whether you have a disability or not, they look at qualifications, merit, competencies, and experience as a basis for appointment. There is no deliberate policy that indicates certain positions should be reserved for someone with a disability, as such persons living with disabilities have to compete with those without a disability for a position and if they are qualified, they will be picked. One of the respondents explained that;

“They just need to compete fairly like anyone else because there are quite a number that have qualifications and if they compete on a fair platform with anyone else... they can be considered...” ID 1 Director

Job security of persons living with disabilities

Respondents were asked what happens if an employee suffers an injury that results in impairment or permanent disability while still working with the government. They explained that they usually follow the hospital’s advice or recommendations. If the medical report indicates that the employee requires sick leave, sick leave is granted. If the employee believes they have reached a point where they are unable to come to work, they will apply for medical retirement. Employees who have an impairment and some functional limitations but can still work have their duties changed to something they can manage without changing their salary.

“Involve the Ministry of Health so that they convene specialists to be able to assess the person’s capacity to continue work. Based on their recommendation the board of specialists depending on the injury, will be able to make a recommendation to say, I think we have assessed the condition; this person can’t continue to work. There is a provision in our Terms and Conditions which is called retirement on medical grounds. They can recommend that or if they feel the person can continue, they can recommend the person can continue. But maybe assign them roles that will be easy to work on given what was found. Even retirement on medical grounds, we give them their full benefits as if they have reached retirement age...”ID 6 Director

Awareness, knowledge and implementation of the Acts relating to persons living with disabilities

Awareness of UNCRPD, Persons with Disability Act number 6 of 2012, and the Employment Act

The Employment Act was known to all eight of the respondents interviewed for the study, however, two of them were unaware of the provision that references the rights of persons with disabilities. Furthermore, only three of the eight respondents were aware of the UNCRPD and the Persons with Disability Act No. 6 of 2012. For instance, one respondent stated:

I am aware of the Employment Act, but I am not aware of the part that talks about disabilities...”ID 5 Director

Knowledge of UNCRPD, the Persons with Disability Act number 6 of 2012, and the Employment Act

Three respondents were knowledgeable of the provision of the Employment Act requiring employers to be inclusive when recruiting. The contents of the UNCRPD and the Persons with Disabilities Act number 6 of 2012 were unknown to all respondents. The reason for this was a lack of time spent reviewing the documents.

“I think it has a component where I think it urges employers to be able to ensure that we are inclusive in our employment of persons with disabilities. That one I am pretty much aware. The Disability Act, I have never really studied very much. But of course, it’s something that we can always refer to...”ID 8 Director

Implementation of the Acts

They clarified that in terms of how these Acts are put into practice, they refer to the Employment Act of 2019, which stipulates clearly that employment opportunities are available to all, including persons living with disabilities. The Service Commission Regulation Act, which also outlines the values and principles of public service, is another Act that is utilized. The Act mandates that persons treat persons living with disabilities with respect while they are at work. According to one response, the Employment Act still refers to the Persons with Disability Act, but full details can be obtained from the Persons with Disabilities Act.

“Ok, when you look at the disability Act, with us we don’t refer to the Disability Act. Our Act is the Employment Act of 2019 and there it is very clear, whatever opportunities are there apply to all including persons with disabilities...”ID 4 Commissioner

Strategies for increasing the employment of persons living with disabilities

Providing evidence of disability

One respondent recommended that persons with disabilities should seek disability certifications from associations of persons with disability so they can support their applications with the certification or a letter of recommendation from a person with disability organization. As a result, it will be easier to prove that the applicant has a disability when the application is reviewed.

Advertisements should encourage persons with disability to apply

As a government entity (PSMD), they receive a considerable number of voluntary emails from persons applying for employment, which is permitted. Respondents suggested that PSMD might think about inserting a note on the application stating persons with disabilities are invited to apply if they advertise for openings. They believe that making such notice will encourage those with disabilities to apply.

Change of mindset

Some responses underlined the significance of changing one’s perspective. They said that persons with disabilities should start to think of themselves as being like everyone else rather than as being especially unique so they can be granted

employment without being scrutinized like others and that they should be able to compete fairly with everyone else.

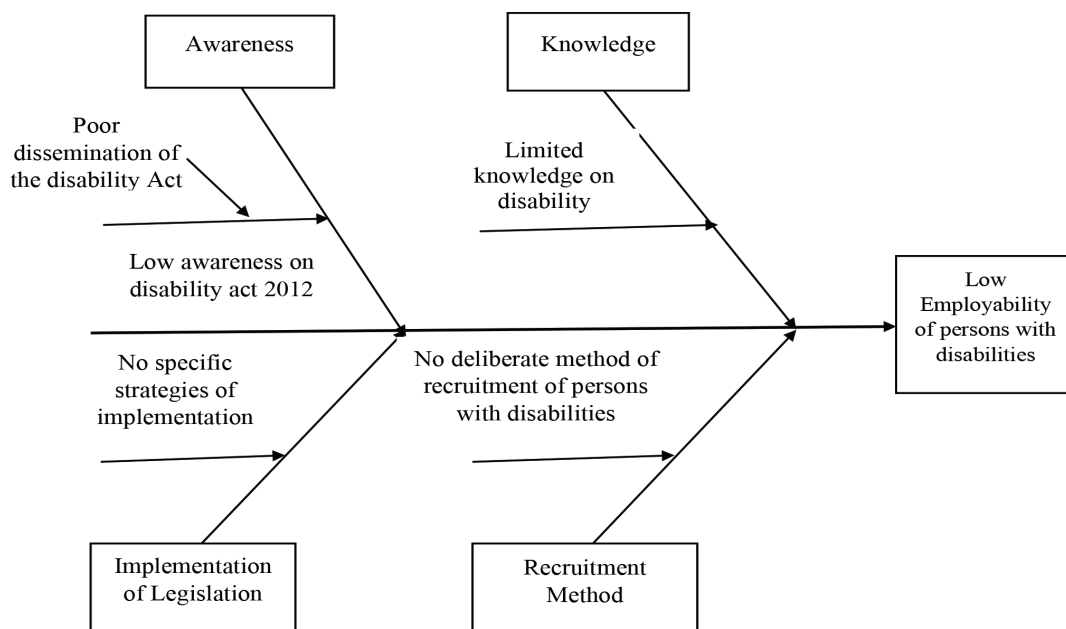
Sensitization of the Disability Act

One respondent suggested that raising the Persons with Disability Act number 6 of 2012 awareness in the community could encourage more qualified persons with disabilities to apply for jobs.

Root cause-analysis on the low employment of persons with disabilities

Figure 2 depicts a fishbone diagram or herringbone diagram or cause and effect diagram. The fishbone diagram was first proposed by Kaoro Ishikawa to display the cause and effect to improve processes in the industries (Ishikawa, 1985). The right represents the problem/defect whereas the bones of the fish's face on the left represent the cause (Gartlehner et al., 2017).

Figure 2. Root cause-analysis diagram based on the themes of respondents on the employability of Persons living with disabilities



DISCUSSION

The study findings reveal that only a small number of persons with disabilities were employed at the headquarters of the three government organizations under investigation. This highlights the challenges and barriers faced by individuals with disabilities in accessing employment. The study highlights that employers primarily rely on the Employment Act and do not consider the provisions of the Persons with Disability Act No. 6 of 2012 during the recruitment process. This indicates a lack of awareness or non-compliance with the specific regulations and requirements aimed at promoting disability inclusion in the workforce. A lack of awareness with respect Disability Acts has been noted to be a major problem even by other similar studies, like studies by (Chiluba, 2019; Chikwanda & Chiluba, 2020), which stated a lack of awareness especially on rights of persons with disabilities. This lack of awareness contributes to misconceptions, stereotypes, and discriminatory attitudes towards persons living with disability.

Most employers demonstrated a lack of knowledge regarding the provisions for disability inclusion in workplaces as well as limited awareness of disability Acts. This suggests a need for improved education and awareness programs to ensure employers are adequately informed about their obligations and the benefits of disability inclusion. The study identifies several strategies that could help increase the employment opportunities for persons with disabilities. These strategies include requiring proof of disability during the recruitment process, adopting inclusive advertising practices, fostering a change in mindset among employers, and conducting disability policy sensitization programs.

The study revealed that there were few persons with disabilities working at the ministry headquarters and this may indicate that little progress has been made after the enactment of the persons with Disabilities Act number 6 of 2012 in terms of employment of persons with disabilities. The study highlighted some of the reasons for the low employment rates for persons with disabilities. For example, regardless of their level of disability, all those who meet the requirements for the position are required to compete for the positions because employing authorities in the civil service are focused on selecting the best applicant who is qualified, experienced, and competent. This may not be the case, though, as the amount of effort required varies greatly depending on the disability of the person with a disability to achieve the same level of skill as someone without a disability, if not better (Tinta *et al.*, 2020). Inclusion in the workforce at all levels is crucial. To

ensure that it does not disadvantage the most vulnerable members of our society, an equal opportunity strategy should uphold the highest standards of equity.

Concerning job security for persons with disabilities, the study's findings showed that they are not necessarily dismissed based on acquiring a disability following an injury in the public sector; instead, they could change their workstations within the institution on their request in a similar line of work and still maintain their salary. The study revealed that employers make employees feel comfortable at their workplaces and they are given the necessary support. This finding suggests a sense of consideration for necessary adjustments by the employers to accommodate any employee that might encounter a disability whilst in employment.

The majority of those interviewed in this study were unaware of disability laws and regulations. The few persons who were aware of disability legislation were simply aware that such laws existed but were unfamiliar with their contents. These findings are consistent with the findings of a similar studies on employment and disability which found that employers are frequently unaware of disability and related laws, despite the presence of good laws governing disability matters (Bonaccio et al., 2020; Maja et al., 2011). While some employers have heard of the persons with Disabilities Act number 6 of 2012, they do not utilize it directly. Other Acts, such as the Employment Code and the Service Commissions Regulations Act, as well as other government circulars, are considered during the recruiting process. This is because public-sector employers consider these Acts sufficient for use in the recruiting process and do not need to refer to the Persons with Disabilities Act number 6 of 2012. In a similar study on legislative laws passed in seven Latin countries and their implementation, they found that only one country had been successful in ratifying the disability laws and incorporating them into the national labour laws, which led to their widespread implementation (Pinilla-Roncancio & Rodríguez Caicedo, 2022). Other nations in this study carried out the implementation of their disability laws by providing some incentives for hiring persons with disabilities, and another nation made it necessary to have a certain proportion of persons with disabilities in every workplace (Pinilla-Roncancio & Rodríguez Caicedo, 2022). The findings of this study demonstrate that there are no established implementation strategies for the Act and no stated measures in place to promote inclusion in employment in Zambian civil society.

This study identified some strategies that could be used to improve persons with disabilities' employability. It was stated that to increase the employability

of persons with disabilities, there was a need for proof of the disability in the form of a certificate or reference letter from reputable organisations dealing with disabilities in Zambia. It was believed that doing this would make it simpler for employers to prove a person's disability during the review of their employment application. For applicants who might require special consideration, this could be advantageous. Although it is a good idea for applicants to give documentation of their disability status, it may be argued that doing so could disadvantage persons with disabilities. Persons with disabilities suffer various forms of discrimination and are less likely to be selected on a job application if they indicated their disability status (Kaye et al., 2011). As a result, advertisements should not be discriminatory, and inquiries about disabilities should only be made when necessary (for example, during any necessary interviews) during the hiring process (Bonaccio et al., 2020).

The study found that it is necessary to include a statement on the employment application advertisement that "persons with disabilities are encouraged to apply" to increase the employability of persons with disabilities. This approach was in line with the ILO's recommendations in its report on the promotion of diversity and inclusion through workplace modifications, which outlined the importance of promoting an inclusive employment philosophy (Standing, 2010).

This study also showed that to boost employability, persons with disabilities need to start believing that they are just like everyone else and capable of competing on an equal basis with others. Instead of working hard to be competitive, employers frequently suggest that persons with disabilities would want to be treated in a different way compared to their counterparts without disabilities. In the end, the shift in perspective should be observed from both sides (employers and persons with disabilities) of this employment spectrum. To encourage qualified persons with disabilities to apply for jobs, it is vital to raise community awareness of the Persons with Disabilities Act. The employers who sit on committees for the recruiting process in the public sector should be the first subgroup to be targeted in this sensitization. Employers are required to post advertisements, and if they are unaware of the needs of persons with disabilities, it may be challenging for them to create messages that are relevant to job applicants.

Implications

Employment for persons living with disabilities remains a significant problem despite the enactment of the Persons with Disability Act number 6 of 2012, owing

to the gap between enactment and implementation. The study highlights the need for government and policymakers to increase assessments, monitoring and evaluation of inclusive policies to make sure that such policies are being followed by employing agencies.

The Persons with Disability Act and the specific provisions relating to the employment of persons living with disabilities are not generally known to those involved in recruiting employers. Hence, the results emphasize the importance of holding training, workshops, and seminars with various employment agencies to increase knowledge of the provisions that support the inclusion of persons living with disabilities in the workforce.

Limitations

It is important to acknowledge certain limitations of the study. Firstly, the findings may not be generalizable to the entire population of persons with disabilities and employers in Zambia due to the use of purposive sampling. Secondly, the study relied on self-reported data, which may be subject to biases or recall errors. However, efforts were made to mitigate these limitations by ensuring a diverse sample and employing rigorous data collection and analysis procedures.

Certain gatekeepers (Directors) could not consent to be interviewed and thus some valuable information could have been missed.

Overall, the qualitative study design allowed for an in-depth exploration of the employers practices in the employment process of persons living with disabilities and employers' implementation of the Persons with Disability Act in Zambia. The design enabled capturing the experiences, perspectives, and challenges and provide valuable insights for improving disability-related policies, practices, and support mechanisms in the context of employment.

CONCLUSION

The study findings reveal persistent challenges in the implementation of the Disability Act during the hiring process within government organizations. Despite the enactment of the Persons with Disabilities Act number 6 of 2012, the issue of employment for individuals with disabilities remains a significant problem requiring urgent attention. This study proposes several strategies to enhance the employability of persons with disabilities, including (i) requesting disability documentation during the application process, (ii) framing job advertisements in

an inclusive manner, (iii) promoting a shift in mindset, and (iv) raising awareness of the legal framework pertaining to disability and employment. However, these strategies are primarily theoretical and further research is needed to assess their practical effectiveness. Additionally, the study highlights a gap between the development of Disability Act policies and their actual implementation in practice.

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Disclosure statement

The authors declare that there are no conflicting interests.

Data availability statement

The data supporting the findings of this study are available upon request from the corresponding author, [SZ]. Due to restrictions, such as the fact that they may contain information that compromises the privacy of research participants, the data are not publicly available.

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