

Equal Employment Policy and Access to Formal Employment of People with Disabilities in Uganda: Case Study of Eastern Uganda

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Abstract

The Equal Employment Opportunity policy has not successfully empowered People Living with Disabilities to access formal employment. In Uganda, the number of persons living with disability is estimated to be 16% but only 0.2

% has formal employment in the NGO, private or public sectors. The purpose of the study was therefore to examine the influence of Equal Employment Opportunity policy in promoting access to formal employment of People With Disabilities in Uganda. The research adopted a descriptive study design and Eastern Uganda was used as a case study. The target population included officers in charge of recruitment in Public, private and NGOs, Community Development officers, NUDIPU members and staff in government and NGOs that implement programmes for people with disabilities. The study used qualitative methods of data collection namely: questionnaire, observation and interviews. The findings show that the implementation of Equal employment policy is fruitless. The employers have not taken the necessary steps to address the factors that limit access to formal employment opportunities of People Living with Disabilities. The limitations included unconducive working environment characterized by un favorable infrastructure, equipment and toilet facilities, lack of social support from workmates, negative attitudes by employing agencies and, lack of access to education opportunities. There is need to promote education opportunities for people with disabilities, government should ensure that all employing organizations adhere to Equal Employment Opportunity policy by providing facilities and working conditions that conform to stipulated standard criteria.

Keywords: formal employment, disability, Equal Employment Opportunity

Introduction

Background

The term disability refers to an individual who has physical or mental impairment that substantially limits one or more of his/her major life activities or there is a record of such impairment or an individual is regarded as having such an impairment (American Disability Act 1992). The International Labour Organization(ILO) code of practice on Managing Disability at the Workplace defines a disabled person as "an individual whose prospects of securing, returning to, retaining and advancing in suitable employment are substantially reduced as a result of duly recognized physical, sensory, intellectual or mental impairment". Globally, People with Disabilities (PWDs) represent the largest minority group seeking formal employment in the market place (Disability funders network: 2014). Equal employment opportunity is employment practice where employers do not engage in employment activities that are prohibit able by law. The Equal Employment Opportunity (EEO) concept refers to several federal laws state legislations that protect job applicants and employees from discrimination based on race, color, national origin, sex, religion, disability, age and genetics. The EEO concepts cover both the hiring phase and the treatment of employees once they have a job. Equal access means that neither the search for candidates nor the evaluation criteria can favor particular groups. Article 27 of the Convention of the right of Rights of Persons with Disabilities prescribes that, "states parties should recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labor market and work environment that is open, inclusive and accessible to persons with disabilities".

Employment of PWDs in the formal sector is more preferable because they are assured of regular income and are protected from disadvantages associated with informal employment, which is susceptible to changes in the labor market (Community Action Research in Uganda (CARDU), 2008). Besides, they have access to services and benefits associated with formal employment such as Medicare, veterans' disability payments and Medicaid and other retirement benefits (NCD progress report, 2011). However, the existence of EEO legislations at state and national levels, has not paved easy access to the

existing job opportunities in the formal sector of the economy (*Ibid*; Uganda's Employment policy 2011). Most PWDs work in the informal economy that provides low skilled poorly remunerated, hazardous and precarious jobs with almost no access to social protection, (Republic of Uganda, 2012).

The EEO policy has not effectively addressed barriers in accessing formal employment and as such, PWDs continue to lag behind in terms of living, learning, earning (NCD progress report, 2011). Their situation is characterized by reduced level of performance, lack of employment and income, exclusion from participation in the community. In addition, their disability status adversely affects the employment opportunities of family members who provide care (Arsenault F., 1993). Using a moral perspective, the inclusion of PWDs in the workforce results into a well caring society where all members of the community have the opportunity to demonstrate their capabilities in both education and employment. This contributes directly to the success of the companies, governments, organizations, whilst achieving their own aspirations (Quatsar Assistive technology and Enable Ireland Assistive Technology Service, 2011).

Previous studies have consistently shown that the factors that limit access to PWDs revolve around the physical inaccessibility of the workplace, the negative attitudes of the able-bodied, finding employment that matches with skills and maintaining employment in the job market (NCD progress report 2011; Helander E, 1993; Peat 1997; Gilbert M, 2010; Uganda's National Employment policy, 2011). In particular, the challenges commonly highlighted include Stereotypes, "corporate culture," which can create attitudinal, behavioral, and physical barriers for workers (Schur et.al, 2005); most buildings are not user friendly and public transport and road infrastructural design do not meet the requirements of PWDs and the media and ICT constrain PWDs from accessing information (Uganda's National Employment policy, 2011). A study conducted by Blanc et.al (2003c) showed that generally, negative attitudes such as low performance expectations cause employees with disabilities to become alienated and withdrawn, which may itself "confirm" the low expectations

The number of disabled people is increasing globally and yet as it has been stated; *"disability may increase the risk of poverty, and poverty may increase the risk of disability"* (Word report on Disability, 2011; Ntare, 2003). According to the World Bank and United Nations, of about *"600 million people with disabilities in the world, 80 percent live in developing countries, of whom the majority live in poverty"* (Handicap International, 2006: vii). Data from the Ugandan 2002 Population and Housing Census show that at least 4 out of every 25, or 16% of the population, are disabled implying that there are over 5 million PWDs in the country (ILO, 2010) whereby only 0.2 % PWD are employed in the formal sector (WHO, 2011). Although the Government of Uganda has adopted a number of laws and policies pertaining to people with disabilities, their right to productive

and decent work and basic services in particular, disabled people in Uganda, just like in most developing countries in the world have limited opportunities for accessing employment opportunities, particularly in the formal sector (*Ibid*). Some of the policies of the Ugandan government that promote rights of PWD to productive and descent work include but are not limited to: i, Article 21 of 1995 constitution of the Republic of Uganda prohibits discrimination against people with disabilities. Uganda is one of the few countries in the world to recognize sign language in its Constitution ii, The Persons with Disabilities Act, 2006, makes provisions for the elimination of all forms of discriminations against people with disabilities and towards equal opportunities. This act also provides for a tax reduction of 15% to private employers who employ ten or more persons with disabilities as regular employees, apprentice or learner on a full time basis iii, Both the Equal Opportunity Act, 2006, and the Employment Act (No. 6), 2006, prohibit discrimination of persons in employment based on disability.

In spite of the legislative provisions by the government of Uganda to increase the accessibility of PWDs to employment opportunities, they still face

stigmatization and discrimination in their search for and even during their tenure of employment (Uganda's National Employment policy, 2011). Most of the literature has established the barriers to formal employment on the side of PWDs and the social, physical and attitudinal factors that impede PWDs from accessing and maintaining formal employment. Nevertheless, there is a considerable gap in the literature, particularly when it comes to empirical evidence on the contributions of Equal Employment policies, concepts and procedures in addressing the exclusion. This research aimed at filling part of this void by establishing facts from stakeholders notably employers, employees and PWDs who effect or are affected by the existing legislations.

Study purpose and objectives

The purpose of the study was to examine the contribution of EEO policy in promoting access to employment opportunity to PWD in Uganda. The specific objectives of the study were to:

- Establish the limitations of PWDs in accessing formal employment.
- Identify the challenges faced by PWDs in formal employment.
- Examine the role of EEO policy in promoting access to employment opportunities of PWDs

Methods

The research adopted a descriptive study design and Eastern Uganda was used as a case study.

The respondents were drawn from the districts of Eastern Uganda which included; Mbale, Tororo, Pallisa, Kumi, Manafwa, Bududa, Budaka and Kibuku. Qualitative methods of data collection were used to collect primary data. Qualitative research was considered most appropriate because it helps in studying disability issues where Stereotypes and false assumptions about people with disabilities are common. Besides, qualitative approaches help "bridge the gap between the experience of living with a disability and the life experiences of individuals who do not have a disability, raise awareness of the barriers faced in employment, and suggest potential solutions" (Blanck & Schartz, 2001)

Purposive sampling technique was used to select the respondents who participated in the study because it could enable the researchers to select respondents who are knowledgeable about the subject under investigation. The Sub counties with programmes for PWD were given priority in the 10 districts where the study was conducted. A sample of 15 registered organizations employing five and above fulltime staff was selected to participate in the study. Of these, 2 were directly dealing with PWDs. The staff (employers and employees) who participated in the study were mainly those who by virtue of their positions interface with EEO issues. They included Community Development officers, human resource Officers and/or managers, NUDIPU members and staff .2 people from each of the 30 sub-counties, personnel officers and District Education Officers (DEO) from each of the 10 districts. One district councilor representing PWDs from each district districts. 5 schools that deal with PWDs were also reached where the heads and 4 students from each school also participated in the study. Convenience sampling method was then used to identify those respondents who could be reached for initial contact by phone.

The methods of data collection included questionnaire, observation and interviews. The questionnaires contained non -structured interviews and were administered on the employees in non-managerial positions and members of NUDIPU with hearing and speech impairments whereas interviews were conducted with employers/human Resource officers and people representing PWDs. In addition, an observation checklist was used to examine the conformity of the physical infrastructure, equipment, facilities and organizational employment policies to the EEO Policy.

Findings and Discussions

Limiting factors to access employment by PWDs

This objective sought to find out the limiting factors that make it difficult for PWDs to access formal employment. The table below shows the findings concerning the factors limiting PWDs in accessing formal employment.

Limiting Factors To Accessibility	Frequency	Percentage
Segregation	9	7.3%
Inability to move freely	41	33.3%
Inappropriate equipment	9	7.3%
Limited qualifications	20	16.4%
Heavy work	8	6.5%
Negative attitude	18	14.6%
Unfavorable working conditions	9	7.3%
Lack of common voice by PWDs	3	2.4%
No policy guidelines	6	2.9%
TOTAL	123	100

The table above shows that 33.3% of the respondents said that the major limitation is inability to move freely, 16.4% contended that they had limited qualifications, 14.6% said that it was negative attitude, 7.3% asserted that inappropriate equipment, segregation and unfavorable conditions were the limiting factors. Lack of policy guidelines was also evident in the findings. From the results, it is obvious that failure to move freely is a major limiting factor in accessing employment by the PWDs. This testifies to the fact that sometimes they qualify for the jobs but inability to move freely limit them in accessing them. This is in line with previous scholars who have consistently shown that factors that limit access to PWDs revolve around the physical inaccessibility of the work place, the negative attitude of the able bodied, finding employment that matches with skills and maintaining employment in the job market.(NCD progress report 2011; Helander E, 1993; Peat1997; Gilbert M, 2010; Uganda's national employment policy, 2011).The following table sought to identify the most prevalent form of disability. **Table 1: The common categories of disability**

S/N	Form	Frequency	Percentage
	Lame	51	41.5%
	Dumb and deaf	39	31.7%
	Speech	6	4.9%
	Blind	24	19.5%
	Mental	3	2.4%
	Total	123	100%

The table above shows results of common categories of disability. Based on the findings of this study, majority of the respondents, 41.5% asserted that the

common category of disability is the lame, 31.7% said the dumb and deaf, while 19.5% pointed out the blind. Other respondents said, speech and mental disabilities were the common categories as reflected by the low percentages at 4.9% and 2.4%. The implication of the above finding is that the issue of movement so as to reach employment points is a real threat considering the fact that most buildings are not user friendly and public transport and road infrastructural design do not meet the requirements of PWDs and the media and ICT constrain PWDs from accessing information (Uganda's National Employment policy, 2011). It should therefore be noted that unless the EEO is implemented, access to employment by PWDs.

The challenges faced by PWDs in formal employment

This objective sought to find out the challenges that PWDs face while at the work place while in formal employment. The study findings reveal that the greatest challenge faced by PWDs while at the work place is the negative attitude towards them as far as ability to perform tasks is concerned. These attitudes are exhibited by both employers and fellow employees. This alongside a host of other challenges provides a complex situation for PWDs in the formal employment as discussed below.

Much as section 12 of the PWD ACT 2006 Prohibits discrimination in employment for PWDs The findings of the study indicate that negative attitude is the highest challenge faced by PWDs in formal employment as seen in the table 2 below

Table 2: Challenges faced by PWDs at the work place

S/N	Challenges at Job	Frequency	Percentage
1.	Poor building plans	9	7.3
2.	Inadequate equipment	6	4.9
3.	Negative attitude	50	40.7
4.	Limited skills and education	18	14.6
5.	No law to protect them	7	5.7
6.	Limited facilities	6	4.9
7.	Low pay	3	2.4
8.	Handicapped physically	24	19.5
TOTAL		123	100

40.7% thought that employers and fellow employees exhibit negative attitude towards PWDs. This issue was further emphasized by one interview respondent who narrated how he was denied a roofing job because he suffered from elephantiasis which made his legs look bigger than the ordinary normal legs. *"much as roofing is the job i have done for many years, i struggle to get someone who gives me work. One time a man refused to give me work after he discovered that my legs looked different. This was after I was recommended to him"* This was closely followed by 19.5% of the respondents who thought that the physical condition of PWDs pose a challenge to their ability to perform their duties while in employment. This finding is consistent with the UN report that showed that only 0.2 % PWDs are employed in the formal sector (UN report, 2011). Other challenges faced by PWDs in formal employment included poor building plans at 7.3%, inadequate equipment, limited skills and education at 14.6%, Limited facilities for PWDs at 4.9% then low pay for the PWDs. All these show that despite the legal frame works put in place to address inequality in employment for PWDs, there is still a big gap in addressing attitudes towards PWDs at work place. Therefore the EEO policy has not really had enough impact on improving the condition of PWDs at the work place

The kind of jobs that the PWDs do also present a challenge to the PWDs at the work place as seen from the table below

Table 3 showing the kind of employment for PWDs

Kind of Employment	Frequenc y	Percentag e
Formal	58	47.2
Informal	65	52.8
TOTAL	123	100

Source: Field research.

The study established that most of the PWDs are employed in the informal sector. 52.8 % participate in doing jobs like telephone operating, members of boards, shoe making and repair, weaving and knitting, farming, politics, tailoring, bicycle repair, carpentry petty businesses and metal fabrication. The remaining 47.2% who are employed in the formal sector do jobs of the lowest rank such as primary school teaching, library assistants, office typists/secretaries, nursing assistants and community development officers. All these jobs are at the lower tier of the organizational hierarchy. The implication from the above findings is that the PWDs are susceptible to exploitation and poverty because the lower jobs consequently make them earn less than they would if they had higher positions. This is in line with what was stated in world report on disability (2011) that the number of disabled people is increasing globally and yet as it has been stated that, *“disability may increase the risk of poverty, and poverty may increase the risk of disability”* (World report on Disability, 2011). During interviews in Rubongi sub-county Tororo district, some of the respondents gave account of the challenges they face on their jobs. These range from psychological to sexual abuse. One respondent stated *“ I was forced into a relationship by my boss with the hope of getting a better pay but instead I was infected with HIV/AIDS.”* The above findings establish that despite of the availability of policies that favour PWDs, there are still enormous challenges that affect them at their places of work and hence such gaps need to be filled.

The above table highlights the kind of jobs that most PWDs are engaged in with 47.2% of PWDs work in the formal sector while 52.8% in the informal sector. This implies that most PWD’s are engaged in work such as teaching, librarian, secretaries and nurses. In the informal employment, the work includes weaving, bicycle repair, tailoring, carpentry, metal fabrication, shoemaking, and farming, members of boards, politicians and petty business. This is because of the limited education levels that subject them to such jobs.

Attitude other employees portray towards PWDs is another challenge that the PWDs face at the place of work. The table below shows the different attitudes that other employees have towards PWDs.

Table 3: showing the different attitudes exhibited by other employees towards PWDs.

Attitudes	Frequency	Percentage
Friendly towards them	53	43
Segregation	33	26.8
Negative attitudes	26	21.1
Sympathetic towards them	10	9.1
Total	123	100

The above table shows the different attitudes that people portray towards the PWDs. The study found out that most PWDs face segregation at 26.8%. 21.1% portrayed negative attitudes 9.1% are sympathetic to the PWDs. Whereas 43% reported that people are friendly to PWDs. These findings indicate PWDs still face significant levels of discrimination from the able bodied people. This is in line with what was observed in the National Employment policy, (2011) which states that PWDs still face stigmatization and discrimination in their search for and even during their tenure of employment. Respondents through interviews expressed incidences of negative attitudes towards them. They experience unequal treatment from their employers and fellow employees. The respondents also pointed out that even the among the PWDs people with visual disabilities are often more disadvantaged. One respondent asserted; *“ The other thing is even among disabilities, blind people are always left out. When they talk about disabilities they talk about people in wheel chairs”*. The reason for such a scenario is that blind people are expensive to maintain. Most organizations do not have devices such as Braille computers, printers, and software for the blind to use computers. One respondent stated *“ usually employers do not want to employ people that are blind due to cost involved in putting the resources in place”*.

Data from the observation check list paints a picture of the challenges that PWDs go through at the work place. Of all the organizations visited, it was observed that the structural set up of the workplaces and facilities do not cater for the needs of the PWDs. Most of the facilities like toilet facilities, brail computers, transport, furniture, entrances to buildings all point to unfriendly environment to PWDs. This findings agree with what is observed in the equal employment policy where it is stated; most buildings are not user friendly and public transport and road infrastructural design do not meet the requirements of PWDs (Uganda’s National Employment policy, 2011).it should therefore be noted that what is on the ground does not meet the objectives of the persons with disability ACT 2006 which are: (a) to promote dignity and equal opportunities to persons with disabilities; (b) to develop and promote the participation of persons with Disabilities in all aspects of life as equal citizens of Uganda. The implication therefore is that much as legislation and other policies are in place to help PWDs be comfortable at work, the above findings point to the fact there is need to put in place a workable mechanism to implement the laws and policies in place.

The role of EEO policy in promoting access to employment opportunities of PWDs

This objective analysed the extent to which the EEO policies at national and international levels have increased access to PWDs. The study findings show that the EEO policies have played a big role in increasing awareness about the

employment rights of PWDs but the implementation process of the policies leave a lot not to be desired as discussed below:

Although Uganda has a number of legislations such as the 1995 constitution and the affirmative action for people with disabilities, for example the Local Government Act (1997), the Tertiary Institutions Act and policies like UPE and Special Needs Education that give some special attention to increased access to education for PWDs, PWDs complained that limited education opportunities still impede PWD in accessing formal employment. Most of PWDs said that completing education on the side of PWD is still a big hindrance in the job market because they join school when they are overage due to lack of facilities,

particularly for People with visual impairments. All categories of respondents subscribed to the view that PWDs rarely compete for jobs in the formal sector because they have limited qualifications or their qualifications are not relevant for them to fulfill the available job positions. The findings concur with ILO (2008) that have had the opportunity to acquire marketable skills have demonstrated their potential to earn a living and contribute in the world of work. PWDs As a result, they are stigmatized and they end up dropping out of school. The results of the study agree with the study conducted by Ntale C.L. (2003) that there is lack of effective legislation that supports disabled people, which has led to continued social exclusion of people with disabilities in the country.

The data collected using observation checklist shows that organizations reflect significant gaps in meeting the expectations of EEO policies. It was observed that the physical working environment and conditions of work generally discourage PWDs from accessing employment. The findings are in agreement with Peat. M. (1997), who asserted that barriers to movement and communication in the physical environment prevent PWDs from enjoying the same rights, privileges and opportunities as other members of society. Apart from the organizations working with PWDs, most of the staircases in most organizations that lead to the buildings and toilets do not support the movement of PWDs. Besides, where the buildings are storey, they lack rafts. None of the organizations had color schemes to guide the movements of the people with hearing impairments, and only one organization The observations made therefore concur with the findings via interviews and questionnaires where it was mentioned that the PWDs are faced challenged with movement challenges. However, the nature of the working environment does not fulfill the recommendation made by ILO (2008) that "there is a range of associated, specific needs that might need to be met to ensure that the productivity of individuals is maximized." It Furthermore, most organizations lacked physical facilities that can facilitate the PWDs such as ramps; Braille, sign language translators, and toilets among others. For instance, the Braille computers were only found in organization that works with the blind but in most cases due to lack of proper services they are not functional in some organizations. These findings concur with previous studies that Elwan (1999), Poverty and Disability: A Survey of the Literature SP Discussion Paper, World Bank NO.9932.

The findings show that few organizations have Equal Employment opportunities that promote employment of PWDs as reflected by 54 out of 123 or 43.9%. No wonder, adherences to policies through provision of favorable terms and conditions of work environment were reported not have not been ensured.

Even, the terms and conditions of work are discriminative in nature for example most adverts dictate knowledge of native language or driving permit, which in real sense indirectly disqualifies the PWDs from applying for the jobs. The findings agree with Schur et.al (2005) that shows that jobs are structured in ways that make it difficult for people with disabilities to work there the removal of architectural and attitudinal barriers has significant benefits not just for people with disabilities, but for other employees and the organization as a whole . According to the study results, a handful of organizations especially the government institutions had Equal employment policies. None of the institutions that participated in the study had different schemes to guide the blind people.

Conclusions

The employers have not taken the necessary steps to address the factors that limit access to formal employment opportunities of People Living with Disabilities; the most prominent being infrastructural designs which do not favour free movement of PWDs. The most common form of disability is lameness which is also the most employable category among the PWDs.

The issues that affect PWDs at the work place are diverse and have all been identified in the policies like the national employment Act 2011 and the persons with disability ACT 2006 all of which have positive aspirations as far as dealing with challenges faced by PWDs in formal employment. This aspirations can however be undermined by the kind of challenges that the PWDs face at the work place, prominent of which is negative attitude by employers and fellow employees.

Uganda has adequate legislation that promotes the rights of PWDs. However, there are gaps in non- adherence in the implementation process which limit access and maintenance of job opportunities by PWDs. These include lack of access to information about the available job opportunities, unfavorable terms and conditions of work, lack of communication and physical movement and discriminating reward system among others.

Recommendations

There should be increased advocacy by the government, NGOs and civil society organizations about the needs of PWDs at the work place.

The government should increase the number of interventions to reduce on the avenues through which people encounter common disabilities like lameness and visual impairment. Such interventions can be: improvement in the medical services, improve on the road safety.

The government should reinforce EEO policies by designing a specific criteria/ checklist for all employing organizations that outline the recruitment process, architectural designs and other facilities and equipment that must be observed by all employing organizations. The government through the Ministry of Gender, Labour and Social Development should monitor the implementation of the policy to ensure adherence to the policy.

There is need to promote education opportunities for people with disabilities through affirmative action

Government should ensure that all employing organizations adhere to Equal Employment Opportunity policy by providing facilities and working conditions that conform to stipulated standard criteria.

Government should establish programmes to sensitize people at family and community levels about the need to treat PWDs equally right from home and communities where some of these policies and laws may not be known. This will most likely translate to the workplace.

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